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FRIDAY, JULY 23, 1976



highlights

NOTICE REGARDING PRIVACY ACT PUBLICATION GUIDELINES

The Office of the Federal Register announces that Privacy Act Publication Guidelines for Federal agencies will appear in the "Federal Register" issue of Wednesday, July 28, 1976.

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Twelve agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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(For Details, See 41 FR 22997, June 8, 1976)

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- FCC—Amateur radio service; operator classes, privileges and requirements. 25013; 6-22-76
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List of Public Laws

This is a continuing numerical listing of public bills which have become law, together

with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 10511..... Pub. Law 93-650

To amend the Urban Mass Transportation Act of 1964 to permit financial assistance to be furnished under that Act for the acquisition of certain equipment which may be used for charter service in a manner which does not foreclose private operators from furnishing such service, and for other purposes.

(This Act became law on January 4, 1974, in accordance with the Order of the United States District Court for the District of Columbia, Kennedy v. Jones, et al., Civil Action No. 74-194, D.D.C. 1976. No U.S. Statutes citation is provided because this law will be printed at the end of the Public Laws category in 90 Stat. and that category is not complete as of this date.)

H.R. 14225..... Pub. Law 93-651

To extend the authorizations of appropriations in the Rehabilitation Act of 1973 for one year, to transfer the Rehabilitation Services Administration to the Office of the Secretary of Health, Education, and Welfare, to make certain technical and clarifying amendments, and for other purposes; to amend the Randolph-Sheppard Act for the blind; to strengthen the program authorized thereunder; and to provide for the convening of a White House Conference on Handicapped Individuals.

(This Act became law on November 21, 1974, in accordance with the Order of the United States District Court for the District of Columbia, Kennedy v. Jones, et al., Civil Action No. 74-194, D.D.C. 1976. No U.S. Statutes citation is provided because this law will be printed at the end of the Public Laws category in 90 Stat. and that category is not complete as of this date.)

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 1—General Provisions

CHAPTER III—ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

PART 305—RECOMMENDATIONS OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Miscellaneous Amendments

Correction

In FR Doc. 76-20693 appearing at page 29653 in the issue for Monday, July 19, 1976, the separate statement of Kenneth Culp Davis was incorrectly filed as part of the original document. It should have appeared on page 29653 in the third column immediately following the paragraph titled "Recommendation" as follows:

SEPARATE STATEMENT OF KENNETH CULP DAVIS

The theory behind the recommendation is that presidential influence on formal adjudication is harmful. Yet no single case was brought to the attention of the Conference in which such influence had been found to have been harmful.

Even if the theory could be supported with facts, Congress clearly should not act on the recommendation without considering a question the Conference did not consider: Which are more important—the dozens of cases per year that could be affected by adoption of the recommendation, or the tens of thousands per year decided in executive departments under cabinet officers who serve at the will of the President and are therefore subject to direct presidential influence?

I could join in a recommendation reaching tens of thousands of cases and neglecting dozens, but I cannot join in a recommendation reaching dozens and neglecting tens of thousands.

Furthermore, I think the arrangement Congress has provided for the tens of thousands is working satisfactorily, and many other questions about the administrative process are far more deserving of attention both by the Conference and by Congress.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3214 is amended to show that not to exceed 200 Community Services Specialist positions, at the equivalent of GS-5 through GS-12, in the Bureau of the Census are excepted under Schedule B. Under this authority, no initial appointment may be made after April 1, 1980 and no one may serve after December 31, 1982.

Effective on July 23, 1976.

Section 213.3214(a) (2) is added as set out below:

§ 213.3214 Department of Commerce.

(a) *Bureau of the Census* * * *

(2) Not to exceed 200 Community Services Specialist positions at the equivalent of GS-5 through GS-12. No initial appointment may be made under this authority after April 1, 1980. No one may serve under this authority after December 31, 1982.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 76-21005 Filed 7-22-76; 8:45 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show three positions of Confidential Assistant to the Deputy Under Secretary for Congressional and Public Affairs are excepted under Schedule C.

Effective on July 23, 1976, § 213.3313

(a) (6) is amended as set out below:

§ 213.3313 Department of Agriculture.

(c) *Office of the Under Secretary* * * *

(6) Nine Confidential Assistants to the Deputy Under Secretary for Congressional and Public Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 76-21297 Filed 7-22-76; 8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Private Secretary to the Assistant Secretary for the Employment Standards Administration is excepted under Schedule C.

Effective on July 23, 1976, § 213.3315

(a) (3) is amended as set out below:

§ 213.3315 Department of Labor.

(a) *Office of the Secretary* * * *

(3) One Private Secretary to each Assistant Secretary of Labor appointed by the President.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 76-21299 Filed 7-22-76; 8:45 am]

PART 213—EXCEPTED SERVICE

International Trade Commission

Section 213.3339 is revised as set out below to: make the listings conform with the present organizational structure of the agency for convenience in reference, to show a change in title from Staff Assistant to each of three Commissioners to Staff Assistant (Legal) to each of three Commissioners; and to show that one position of Professional Assistant to a Commissioner is excepted under Schedule C, and one position of Staff Assistant (Economics) to a Commissioner is revoked.

§ 213.3339 U.S. International Trade Commission.

(a) One Confidential Assistant, one Secretary, one Administrative Assistant, and one Staff Assistant (Legal) to the Chairman.

(b) One Staff Assistant (Legal), and two Staff Assistants to the Vice Chairman.

(c) One Staff Assistant (Legal), one Staff Assistant, and one Confidential Assistant to a Commissioner.

(d) One Staff Assistant (Legal), one Staff Assistant, and one Confidential Assistant to a Commissioner.

(e) One Professional Assistant (Legal), and one Confidential Assistant to a Commissioner.

(f) One Staff Assistant (Legal), one Staff Assistant, one Confidential Assistant, and one Secretary to a Commissioner.

(g) One Administrative Assistant to the Executive Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 76-21298 Filed 7-22-76; 8:45 am]

PART 213—EXCEPTED SERVICE**National Aeronautics and Space Administration**

Part 213 is amended to show that 40 positions of Command Pilot, Pilot and Mission Specialist candidates in the Space Shuttle Astronaut program are excepted under Schedule B. Effective on July 23, 1976, § 213.3248 is added as set out below:

§ 213.3248 National Aeronautics and Space Administration.

(a) Not to exceed 40 positions of Command Pilot, Pilot and Mission Specialist candidates at grades GS-7 through 15 in the Space Shuttle Astronaut program. Employment under this authority may not exceed 3 years.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,

*Executive Assistant
to the Commissioners.*

[FR Doc.76-21301 Filed 7-22-76;8:45 am]

PART 213—EXCEPTED SERVICE**National Credit Union Administration**

Section 213.3357 is amended to show that one position of Staff Assistant to the Administrator is excepted under Schedule C.

Effective on July 23, 1976, § 213.3357 (d) is added as set out below:

§ 213.3357 National Credit Union Administration.

(d) One Staff Assistant to the Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,

*Executive Assistant
to the Commissioners.*

[FR Doc.76-21300 Filed 7-22-76;8:45 am]

PART 771—AGENCY GRIEVANCE SYSTEM**Correction**

The FEDERAL REGISTER of June 4, 1976 (FR Doc. 76-16233), page 22549, § 771.108(b)(4), shows "Executive Order 11401" in error. It should read "Executive Order 11491, as amended."

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,

*Executive Assistant
to the Commissioners.*

[FR Doc.76-21302 Filed 7-22-76;8:45 am]

Title 9—Animals and Animal Products**CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE****PART 73—SCABIES IN CATTLE****Area Quarantined**

This amendment quarantines a portion of Moore County in Texas because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the area quarantined.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, a new paragraph (a) relating to the State of Texas is added to read:

§ 73.1a Notice of quarantine.

(a) Notice is hereby given that cattle in certain portions of the State of Texas are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following area in such State is hereby quarantined because of said disease:

That portion of Moore County bounded by a line beginning at the junction of Farm to Market Road 2203 and State Highway 152; thence, following Farm to Market Road 2203 in a northerly direction approximately two miles to its intersection with an unnumbered graded road; thence, following the unnumbered graded road in an easterly direction for approximately three miles, thence in a northerly direction for approximately one mile, and thence, in a easterly direction for approximately two miles to its intersection with secondary road 1284; thence, following secondary road 1284 in a southerly direction for approximately three miles to its intersection with State Highway 152; thence following State Highway 152 in a westerly direction for approximately five miles to its junction with Farm to Market Road 2203.

(Sec. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date: The foregoing amendment shall become effective July 16, 1976.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of July 1976.

PIERRE A. CHALOUX,
*Acting Deputy Administrator,
Veterinary Services.*

[FR Doc.76-21228 Filed 7-22-76;8:45 am]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES**Areas Quarantined**

● *Purpose.* The purpose of this amendment is to quarantine the States of Massachusetts and Rhode Island, and Hillsborough, Rockingham and Cheshire Counties in the State of New Hampshire because of hog cholera. ●

Statement of considerations. Great progress has been made toward the eradication of hog cholera from the United States in recent years. The entire United States was scheduled to be declared hog cholera free on July 21, 1976, twelve months following the eradication of the last known outbreak of the disease in the United States in Texas July 21, 1975, but on February 24, 1976, the disease again occurred in a garbage-fed swine herd in the State of New Jersey. With the occurrence of this outbreak, emergency eradication field operations were activated in the State of New Jersey, and the initial outbreak in that State was promptly eradicated with the last known exposed herd destroyed March 25, 1976. Intensive surveillance activities in New Jersey since that date indicate that eradication of the disease from that State was complete.

Inspections and investigations made in conjunction with epidemiological studies of the New Jersey outbreak revealed additional foci of infection in the States of Rhode Island, Massachusetts, and New Hampshire, and emergency eradication field activities were promptly extended to those States.

The last herd known to be acutely affected with hog cholera was destroyed in the State of New Hampshire, May 5, 1976. Cleaning and disinfection of infected and exposed premises and facilities was completed May 12, 1976, and the State of New Hampshire was released from quarantine June 4, 1976.

As a result of this outbreak, 19,994 swine in four States were destroyed and indemnity was paid to the owners. Through June 26, 1976, a total of \$3,765,342 had been expended in eradicating the total outbreak with surveillance ac-

tivities continuing in the affected and surrounding areas.

During this outbreak, hog cholera virus was isolated from a total of 16 herds in the States of New Jersey, Massachusetts, New Hampshire, and Rhode Island. Epidemiological investigation did not conclusively determine the source of this outbreak. However, there is strong evidence to support the conclusion that live virus hog cholera vaccines were used in the outbreak area. Continued investigation in and adjoining the outbreak areas has included the testing of swine herds for evidence of exposure to the hog cholera virus.

Research has shown that in certain instances the use of hog cholera vaccine has produced the disease. Because of this fact, on July 1, 1969, restrictions were imposed on the interstate movement of all hog cholera vaccines and on the interstate movement of all swine that had been vaccinated after January 1, 1970, with hog cholera vaccine. Evidence is also available which indicates that low grade hog cholera infection may continue to exist in some herds without disclosing signs of disease only to cause outbreaks of hog cholera at a later time. Among swine herds tested in the States of New Hampshire, Rhode Island, and Massachusetts, swine in 28 such herds have revealed blood titers sufficiently high to be interpreted as evidence of previous infection with hog cholera, of contact with affected or exposed animals, or of vaccination against the disease.

Blood titers disclosed in swine belonging to those herds tested establish hog cholera virus activity and the fact that those swine showing such titers have had contact with hog cholera virus, or with animals affected with or exposed to hog cholera, and on July 17, 1976, the existence of hog cholera was confirmed in one of these herds in the State of Massachusetts. Consequently all swine in such herds are vectors of hog cholera. Therefore, the finding is made that all swine in such herds are vectors of hog cholera and that measures must be placed in effect to control the interstate movement of such swine.

Accordingly, Part 76, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (e) is amended to read:

§ 76.2 Notice relating to existence of the contagion or vectors of hog cholera and other swine diseases; prohibition of movement of any hog cholera virus, exceptions; spread of disease through raw garbage; regulations; quarantines.

(e) Notice of quarantine: Notice is hereby given that because of the existence of the contagion of hog cholera and

the nature and extent of such contagion or the existence of vectors, the following areas are quarantined:

- (1) *Massachusetts*. The entire State.
- (2) *Rhode Island*. The entire State.
- (3) *New Hampshire*. Hillsborough, Rockingham and Cheshire Counties.

(Secs. 4-7, 23 Stat. 82, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f); 87 FR 28464, 28477; 38 FR 19141.)

Effective date: The foregoing amendment shall become effective July 20, 1976.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in the rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of July 1976.

J. M. HEJL,
Deputy Administrator,
Veterinary Services.

[FR Doc. 76-21413 Filed 7-22-76; 8:45 am]

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of this amendment is to establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1976 ed.), as amended January 21, 1976 (41 FR 3074), and April 16, 1976 (41 FR 16145), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to the respective list therein as follows:

§ 97.2 Administrative instructions prescribing commuted travel time.

OUTSIDE METROPOLITAN AREA
TWO HOURS
Ramona, California (served from San Ysidro, California).
(64 Stat. 561; 7 U.S.C. 2260).

Effective date: The foregoing amendment shall become effective July 23, 1976.

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this instruction are impracticable, unnecessary, and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of July 1976.

PIERRE A. CHALOUX,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc. 76-21239 Filed 7-22-76; 8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Amendment Including Naphtha Petrochemical Feedstocks Imported Into Puerto Rico Under Entitlements Program

On May 25, 1976, the FEA issued a notice of proposed rulemaking and public hearing (41 FR 21936; May 28, 1976) to amend 10 CFR Part 211 to include within the FEA's entitlements program naphtha feedstocks imported into Puerto Rico for petrochemical use. A public hearing was held on June 15, 1976. Additionally, in FEA's public hearing in San Juan, Puerto Rico on April 12 and 13, 1976 (pursuant to a notice of public hearing issued March 26, 1976 (41 FR 13426; March 30, 1976)), comments were also received on the question of granting entitlement benefits to importers of naphtha into Puerto Rico for petrochemical feedstock use.

BACKGROUND

The circumstances giving rise to the proposal were detailed at the April hearing in Puerto Rico. In the 1960's the Federal Government encouraged the location and development of the refining and

petrochemical industries in Puerto Rico. For the petrochemical industry, the program was premised on the availability of low cost foreign feedstock, particularly naphtha from Caribbean refineries, to provide a feedstock cost advantage over mainland petrochemical producers, which was necessary to offset higher shipping and other costs (including necessary investments) associated with commencing operations in the relatively underdeveloped Island economy. The Puerto Rican petrochemical industry has since grown to where it currently comprises an important segment of total domestic petrochemical capacity.

As FEA noted in the proposed rule-making, the competitive viability of this industry has been adversely affected by the increases in world crude prices when taken in conjunction with domestic price controls:

The imposition of the Arab oil embargo and the consequent increases in world crude prices dramatically increased feedstock costs for the entire Puerto Rican petrochemical industry. However, while world prices were rising, the imposition of domestic price controls kept the overall feedstock costs of domestic firms much lower than those of import dependent Puerto Rican companies and placed these companies at a severe competitive disadvantage.

The elimination of the supplemental import fee on crude oil on December 22, 1975 increased the disparity between domestic and imported crude oil costs and placed the Puerto Rican based petrochemical industry at an even greater competitive disadvantage than previously existed. In addition, the domestic crude oil price roll back mandated by the pricing provisions of the Energy Policy and Conservation Act, which were implemented on February 1, 1976, has also contributed to competitive imbalances with respect to Puerto Rican firms. (41 FR at 21936-21937)

FEA therefore issued its May 25 proposal, which was designed to alleviate the current competitive disadvantage of the Puerto Rican petrochemical industry by permitting Puerto Rican petrochemical producers to receive entitlement benefits for imported naphtha utilized as a feedstock. The intent of the proposal was to render the Puerto Rican petrochemical industry more competitive with other domestic petrochemical producers located on the mainland. A relatively small impact on the entitlements program as a whole was anticipated.

In the proposal FEA also solicited comments as to the extent that naphtha imported into the United States mainland should be eligible for benefits under the entitlements program and whether the extension of entitlement benefits should operate to encourage importation of naphtha for use as synthetic natural gas feedstock.

The comments of petrochemical companies located in Puerto Rico and the Commonwealth of Puerto Rico supported adoption of the proposal, on the grounds that it would alleviate the competitive disadvantage and hardships currently experienced by that sector of the domestic petrochemical industry. Comments urging adoption of the proposal also argued that, since the current situation in

large measure has resulted from domestic price controls, it is appropriate for FEA to remedy the resulting problems through its regulatory programs and thus affirm the Federal government's long standing interest in developing the Puerto Rican economy.

AMENDMENTS ADOPTED

FEA has carefully considered the comments of all persons who participated in this rulemaking proceeding and has concluded that the proposed amendments should be adopted, with certain modifications reflecting comments received and further analysis by FEA.

Section 211.67(d) (5) as adopted hereby permits inclusion in a refiner's monthly crude oil runs to stills of a volume equal to the total number of barrels of naphtha imported into Puerto Rico utilized as a petrochemical feedstock at a petrochemical plant owned by that refiner. A firm other than a refiner would be eligible to receive entitlements in this regard on the same basis as a refiner. The amendments adopted differ from those proposed in that only naphtha processed at a petrochemical plant as a petrochemical feedstock is eligible for entitlement issuances. This change is to ensure that naphtha imported solely for gasoline blending would not receive any entitlement value but does not prevent that portion of any imported naphtha processed in a petrochemical plant which is refined into a joint product such as gasoline in the course of producing petrochemicals from being eligible for entitlement issuances.

In further analyzing the proposal, FEA also determined that it would be inappropriate to grant the crude oil entitlement benefits to imports of naphtha where the differential between naphtha import prices and domestic prices was less than the per barrel entitlement value for the month in question. FEA's data show that naphtha prices in the world market fluctuate widely. In certain periods these prices are competitive with those in the domestic market; however, at other times there is a wide price disparity, resulting in a significant disadvantage for firms reliant on imports and competing in the domestic petrochemical markets.

With these concerns in mind, FEA has adopted a procedure by which the entitlement value issuable with respect to naphtha imports into Puerto Rico would not exceed the differential between the actual average import costs of the affected firms and an imputed average domestic naphtha price. The maximum entitlement value that can be received, however, is the actual per barrel crude oil value, as calculated without reference to the small refiner bias or to any entitlement loss for sales of residual fuel oil into the East Coast market.

This procedure would operate as follows. Each eligible firm would report for each month (commencing with imports in May 1976) its volumes of naphtha imported into Puerto Rico and utilized as a petrochemical feedstock. Entitlements would be issued with respect to each such barrel of imported naphtha on the same basis as for a barrel of crude oil included in a refiner's volume of crude

oil runs for that month, unless the weighted average imported naphtha costs of firms reporting imports into Puerto Rico for this purpose exceeded the imputed cost of domestically produced naphtha for that month by less than the per barrel crude oil entitlement value. In this latter case, the entitlement value for each barrel of imported naphtha would be equal to this differential. The imputed cost of domestically produced naphtha is calculated by applying a factor of one hundred and twenty percent to the weighted average cost of crude oil for all domestic refiners for the particular month. FEA has derived this factor from an analysis of the differentials in naphtha prices and crude oil costs over the past year and believes that it is a fairly accurate approximation of the cost of domestic naphthas, the large portion of which are not sold in the marketplace but are utilized for gasoline production in the refinery in which they are produced.

FEA requests additional comments as to whether this factor is an accurate representation of the normal differential between crude oil and naphtha of the type used as a petrochemical feedstock. Any such additional comments should be filed with Executive Communications, Box HZ, Room 3309, FEA, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461. All such comments should be filed no later than August 31, 1976. To the extent that it is determined, based on comments received and FEA's own further analysis, that this factor is not an accurate representation of these differentials, FEA will propose an appropriate modification thereto.

FEA believes that the amendments adopted in this regard will provide sufficient entitlement value for petrochemical producers located in Puerto Rico so as to render them competitive with other domestic firms; at the same time the amendments should not provide a level of relief in excess of that warranted, when world naphtha prices are depressed.

EXPORT SALES

An export sales deduction has been included in the amendments adopted. This is consistent with general purpose of the export sales deduction for refined petroleum products and residual fuel oil, i.e. retention of the benefits of domestic price controls within the domestic economy. Because considerable amounts of finished petrochemical products are exported subsequent to the initial sale of the naphtha derivative by the petrochemical producer, resulting in potential tracing difficulties, FEA has decided to limit the applicability of the export sales deduction to export sales by the petrochemical producer or by the first purchaser (or any affiliate thereof) from that producer. A certification requirement for the first purchaser of the naphtha derivative is included in the rule adopted.

In this regard, FEA is hereby amending § 212.53 to make it clear that export sales include sales of products that are no longer subject to the price regulations (i.e. residual fuel oil and middle

distillates). Thus, an export sale of residual fuel oil gives rise to an entitlement loss under § 211.67(d) (2), regardless of the fact that residual fuel oil is not under price controls.

OTHER COMMENTS

FEA also received comments from U.S. mainland importers of naphtha and users of naphtha as SNG feedstock urging their naphtha imports be included under the entitlements program. After careful consideration of these comments, FEA has decided not to extend entitlements benefits to either group at this time. To the extent importers of naphtha utilized as petrochemical feedstock are competitively disadvantaged, the amendment adopted today provides relief in large measure. Most of the naphtha imported for petrochemical use is imported into Puerto Rico, and this is where the dependence on imports has resulted in competitive distortions, which is not the case with other firms that import naphthas into the mainland. FEA intends, however, to continue to monitor the situation to determine if further action is warranted.

(Emergency Petroleum Allocation Act of 1973, as amended by Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended by Pub. L. 94-332; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, Parts 211 and 212, Chapter II of Title 10, Code of Federal Regulations, are hereby amended as set forth below, effective immediately.

Issued in Washington, D.C. on July 20, 1976.

MICHAEL F. BUTLER,
General Counsel.

1. Section 211.62 of Part 211 is amended to add a new definition of "naphthas" in appropriate alphabetical sequence as follows:

§ 211.62 Definitions.

"Naphthas" mean petroleum fractions made up predominantly of hydrocarbons whose boiling points fall within the temperature range of 85° to 430° F. This definition does not include specific hydrocarbon constituents such as hexane or special naphthas (solvents) as defined in § 211.182.

2. Section 211.67 of Part 211 is amended in paragraph (d) to add a new subparagraph (5) as follows:

§ 211.67 Allocation of domestic crude oil.

(d) Adjustments to volume of crude oil runs to stills.

(5) (i) The volume of a refiner's crude oil runs to stills in a particular month for purposes of the calculations in subparagraph (1) of paragraph (a) of this section and the calculations for the national domestic crude oil supply ratio shall include, except as provided in subdivisions (ii) and (iii) of this subparagraph, the total number of barrels of

naphthas which are imported into Puerto Rico (other than imports from the U.S. Virgin Islands and other than naphthas imported into Puerto Rico which are acquired pursuant to an exchange or similar matching purchase and sale transaction for naphthas produced by a refinery located in the United States) and are utilized in that month as a petrochemical feedstock at a petrochemical plant owned or operated by that refiner in Puerto Rico.

(ii) The volume of naphthas eligible for inclusion in the volume of a refiner's crude oil runs to stills in a particular month under subdivision (i) of this subparagraph shall be reduced by the volume of export sales (under § 212.53 of Part 212 of this chapter, including sales to a purchaser which certifies it or an entity affiliated with that purchaser will export the product so purchased) for that month of products produced at the petrochemical plant that has processed the imported naphthas.

(iii) The volume of naphthas eligible for inclusion in the volume of a refiner's crude oil runs to stills for a particular month under this subparagraph (5) shall be reduced by the application of a fraction the denominator of which is equal to the entitlement value for a barrel of crude oil included in the volume of a refiner's crude oil runs to stills for that month (without giving effect to the provisions of paragraphs (e) and (d) (4) of this section), and the numerator of which is equal to the weighted average per barrel cost of all naphthas imported into Puerto Rico for that month as to which entitlement issuances are sought less the imputed per barrel cost of domestically produced naphthas for that month. For purposes of this subdivision (iii), the imputed per barrel cost of domestically produced naphthas for a particular month shall be equal to one hundred twenty (120%) percent of the weighted average per barrel cost of all the crude oil receipts for all domestic refiners for that month.

(iv) Notwithstanding any other provisions of this section, a firm other than a refiner that owns a petrochemical plant in Puerto Rico shall be eligible to receive entitlements with respect to naphthas processed at such a plant on the same basis as is provided for refiners in subdivisions (i) through (iii) of this subparagraph, except that such a firm shall not be eligible for any additional entitlements under the provisions of paragraph (e) of this section. Any such firm shall file reports under § 211.66 on the same basis as a refiner.

(v) The provisions of this subparagraph (5) shall be effective for imported naphthas processed in the month of May 1976; *Provided*, That, with respect to any firm that has received relief for that month under Subpart D of Part 205 of this chapter for naphthas imported into Puerto Rico and processed at a petrochemical plant, these provisions shall first become effective for imported naphthas processed in June 1976. For any firm not subject to the proviso in the preceding sentence, eligible naphtha imports processed in the month of May

1976, together with any eligible imports for June 1976, shall be reflected in the entitlement issuances for the month of June 1976.

(vi) Any firm that is eligible for entitlement issuances under this subparagraph shall obtain appropriate certifications from any other firm to which it sells products produced at a petrochemical plant located in Puerto Rico. Such certification shall set forth whether or to what extent the products so purchased will be sold (whether directly by that other firm or indirectly through any firm affiliated with that other firm) in transactions that constitute export sales under § 212.53 of Part 212 of this chapter. Any firm purchasing products produced at a petrochemical plant located in Puerto Rico shall, upon the request of the owner or operator of that facility, certify to that owner or operator as to whether or what extent the further sale of those products by that firm (or any affiliate thereof) will constitute export sales under § 212.53.

3. Section 212.53 of Part 212 is amended in paragraph (a) to read as follows:

§ 212.53 Exports and imports.

(a) The prices charged for export sales, including sales to a domestic purchaser which certifies the product is for export, are exempt.

[FR Doc.76-21344 Filed 7-20-76; 1:28 pm]

Title 16—Commercial Practices
CHAPTER II—CONSUMER PRODUCT
SAFETY COMMISSION
PART 1014—POLICIES AND PROCEDURES
IMPLEMENTING THE PRIVACY ACT OF
1974

Disclosure of Records

On November 18, 1975 (40 FR 53380), the Consumer Product Safety Commission published its Policies and Procedures Implementing the Privacy Act of 1974 (the "Act"). After examination of the Commission's experience under the Act, further analysis of the provisions of the Act and consultation with the Office of Management and Budget, the Commission has determined that section 1014.9 of the regulations as promulgated is misleading and an inaccurate statement of the law. Section 1014.9, as promulgated, provides that requests by a person for disclosure of personal records of another individual will be processed in accordance with procedures similar to those applicable to requests by individuals for access to records pertaining to themselves. Thus, as promulgated, section 1014.9 goes beyond the scope of rules and procedures required by the Privacy Act and may deprive persons of certain of their rights to information under the Freedom of Information Act as amended (5 U.S.C. 552), while not providing any additional protection of the individual's legitimate right to privacy.

Therefore, the Commission hereby amends its Policies and Procedures Implementing the Privacy Act of 1974 to

provide that requests by a person for disclosure of personal records of another individual will be processed in accordance with the Freedom of Information Act, as amended, (5 U.S.C. 552) and the Commission's procedures issued thereunder (16 CFR Part 1015).

The Commission has determined that since this amendment is a clarification of a rule which previously failed to strictly conform to the law, the delay in the effective date required by the notice and public procedure provisions of 5 U.S.C. 553 would be contrary to the public interest. Accordingly, good cause exists to dispense with the notice and public procedure on this amendment and further to make this amendment effective immediately.

Accordingly, § 1014.9 of Title 16, Chapter II, Subchapter A is amended to read as follows:

§ 1014.9 Disclosure of record to person other than the individual to whom it pertains.

(a) Any person or agency (other than an officer or employee of the Commission who has a need for individual records in the performance of his or her duty) seeking disclosure of personal records of another individual which are contained in a system of records shall submit a request in accordance with the Commission's Procedures for Disclosure or Production of Information under the Freedom of Information Act (16 CFR Part 1015, Subpart A).

(b) The determination of whether or not the requested disclosure is proper will be made in accordance with the provisions of the Freedom of Information Act, as amended (5 U.S.C. 552) and the Commission's policies and procedures issued thereunder (16 CFR Part 1015).

Effective date: The amendment promulgated in this document shall become effective on July 23, 1976.

Dated: July 20, 1976.

SADYE E. DUNN,
Secretary, Consumer Product
Safety Commission.

[FR Doc. 76-21339 Filed 7-22-76; 8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER B—REGULATIONS UNDER THE FEDERAL POWER ACT

[Docket No. RM74-18 Order No. 513-A]

PART 35—FILING OF RATE SCHEDULES

SUBCHAPTER E—REGULATIONS UNDER THE NATURAL GAS ACT

PART 154—RATE SCHEDULES AND TARIFFS

Revision of Rate of Interest on Amounts Collected Subject to Refund

JULY 14, 1976.

In Order No. 513,¹ the Commission amended the Regulations under the Fed-

eral Power Act and the Natural Gas Act² to increase the interest rate on amounts subject to refund from 7 percent per annum to 9 percent per annum. The increase was made applicable only to amounts collected subject to refunds in rate filings made on or after the date of issuance of Order No. 513, October 10, 1974. In "American Public Gas Association et al. v. F.P.C.", No. 75-1104, (D.C. Cir., May 19, 1976), the U.S. Court of Appeals for the District of Columbia Circuit held order No. 513 to be unreasonable and discriminatory in that the increased interest rate of 9 percent per annum was not applied to interest on all excess charges collected on and after October 10, 1974, without regard to the date on which the rate change was tendered, and to the interest accruing on and after October 10, 1974, on excess charges collected prior to October 10, 1974. The Commission herein orders amendment of the Regulations to comply with the judgment and opinion of the Court of Appeals.

Pursuant to the Court's mandate the Commission shall amend its Regulations concerning the appropriate rate of interest to be accrued on refunds. As previously stated in Order No. 513, an interest rate of 9 percent per annum shall apply to all amounts collected subject to refund in rate filings made on and after October 10, 1974, the date on which Order No. 513 was issued. Further, as required by the Court, an interest rate of 9 percent per annum shall apply to all excess rates and charges collected on and after October 10, 1974, without regard to the date of filing of the proposed increased rate. Further, the interest rate of 9 percent per annum shall be the applicable interest rate accruing on and after October 10, 1974 on excess rates and charges collected prior to October 10, 1974.

Where there is a final non-appealable Commission order directing the disbursement of refunds of amounts collected or held during the time periods which are the subject of this order, the Commission does not intend to reconsider or modify those individual orders. The orders will stand as issued. However, where such orders have been issued but are not final and non-appealable on the date of this order, the natural gas company or public utility shall, without further motion by the parties in the individual dockets, be required to comply with this order. In that case, interest on refundable amounts shall be recalculated at 9 percent for the appropriate time periods and if refunds have already been paid with 7 percent interest, the 2 percent differential shall be paid immediately; otherwise, amounts shall be refunded at 9 percent interest, when appropriate, as required by the Commission order in the individual dockets.

¹ Order No. 513, Docket No. RM74-18, 52 FPC 920 (1974); Order Denying Applications for Rehearing And Clarifying Prior Order, issued December 11, 1974. Notice of the Proposed Rulemaking in Docket No. RM74-18 was issued on April 23, 1974.

² Amended were Part 35, § 35.10a of the Commission's regulations under the Federal Power Act, 18 CFR Part 154, § 154.67(c) and § 154.102(c) of the Commission's Regulations Under the Natural Gas Act.

The Commission finds: (1) The notice, public procedure and effective date provisions of 5 U.S.C. 553 do not apply with respect to the amendments herein adopted; and

(2) The amendments of the Commission's Regulations herein prescribed are necessary and appropriate for administration of the Federal Power Act and the Natural Gas Act.

The Commission, acting pursuant to the authority granted by the Federal Power Act, as amended, particularly sections 205 and 309 thereof (49 Stat. 851, 852, 858, 859; 16 U.S.C. 824d, 825h) and the authority granted by the Natural Gas Act, as amended, particularly Sections 4 and 16 thereof (52 Stat. 822, 830; 76 Stat. 72; 15 U.S.C. 717c, 717o), and pursuant to the above cited judgment and opinion of the Court of Appeals for the District of Columbia Circuit, orders:

(A) Effective October 10, 1974, § 35.19 a of the Commission's regulations under the Federal Power Act, in Part 35 Subchapter B, Chapter I, Title 18 of the Code of Federal Regulations is amended to read:

§ 35.19a Refund requirements under suspension orders.

Unless otherwise ordered by the Commission, the utility whose proposed increased rates or charges were suspended shall refund at such times in and in such amounts to the person entitled thereto, and in such manner as may be required by final order of the Commission in the suspension proceeding, the portion of the increased rates or charges found by the Commission in that proceeding not justified, together with interest at the rate of (a) seven percent per annum on all excessive rates and charges collected prior to October 10, 1974; and (b) nine percent per annum on all excessive rates and charges collected on and after October 10, 1974, and nine percent per annum for all interest accruing on and after October 10, 1974 on refundable amounts collected prior to October 10, 1974, from the date of payment until refunded; shall bear all costs of such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges which become effective after the suspension period, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy) in writing and under oath, to the Commission monthly, for each billing period, and for each purchaser the billing determinants of electric energy sold and delivered to such purchasers under the suspended agreements or tariffs and the revenues resulting therefrom as computed under the rates in effect immediately prior to the date the proposed increased rates or charges become effective, and under the proposed increased rates or charges that become effective after the suspension period, together with the differences in the revenues so computed.

(B) Effective October 10, 1974, §§ 154.67(c) and 154.102(c) in Part 154 of the

Commissions' Regulations under the Natural Gas Act, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations are amended to read as follows:

§ 154.67 Suspended changes in rate schedules; motions to make effective at end of period of suspension; procedure.

(c) The pipeline company shall refund at such time and in such manner as may be required by final order of the Commission, the portion of any increased rates and charges found by the Commission in that proceeding to be not justified, together with interest at the rate of (1) seven percent per annum on all excessive rates and charges collected prior to October 10, 1974; and (2) nine percent per annum on all excessive rates and charges collected on and after October 10, 1974, and nine percent per annum for all interest accruing on and after October 10, 1974 on refundable amounts collected prior to October 10, 1974, from the date of payment until refunded; shall bear all costs of such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges made effective as provided in this order, for each billing period; and shall report (original and one copy) in writing and under oath to the Commission monthly, for each billing period, by customer, the billing determinants of natural gas sold and transported and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the effective date of change, and under the rates which become effective pursuant to the motion, together with the differences in the revenues so computed.

§ 154.102 Suspended changes in rate schedules; motions to make effective at end of period of suspension; procedure.

(c) Upon an increased rate being made effective pursuant to the provisions of this section the independent producer shall be obligated to keep accurate accounts in detail of all amounts received by reason of the increased rates or charges for each billing period, and for each purchaser; the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the effective date of the change, and under the rates which become effective pursuant to the motion, together with the differences in the revenues so computed; and to refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of any increased rate found by the Commission in that proceeding not justified, together with interest thereon at the rate of (1) seven percent per annum on all excessive rates and charges collected prior to October 10, 1974; and (2) nine percent per annum on all excessive rates and charges

collected on and after October 10, 1974, and nine percent per annum for all interest accruing on and after October 10, 1974, from the date of payment to the producer until refunded, except as provided in paragraph (f) of this section; and to bear all costs of any such refunding.

(C) The provisions of this order amending the Commission's Regulations shall not apply where there is a final non-appealable Commission order directing the disbursement of refunds of amounts collected or held during the time periods which are the subject of this order.

(D) The provisions of this order amending the Commission's Regulations shall apply to orders which are not final and non-appealable on the date of this order and interest on refunds shall be computed and paid accordingly.

(E) The Secretary of the Commission order to be made in the FEDERAL REGISTER shall cause prompt publication of this order.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-21335 Filed 7-22-76;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 76-202]

**PART 159—LIQUIDATION OF DUTIES
X-Radial Steel Belted Tires From Canada**

In the FEDERAL REGISTER of January 8, 1973 (38 FR 1018), the Commissioner of Customs gave notice that the United States Customs Service had determined that exports of X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Company of Canada, Ltd., are subject to bounties or grants within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303).

At that time, notice was given that X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Company of Canada, Ltd., imported directly from Canada, if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of that notice in the Customs Bulletin, would be subject to the payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In the FEDERAL REGISTER of September 16, 1974 (39 FR 33207), the Commissioner of Customs gave notice that a deposit of estimated countervailing duties, in the amount of 3.7 percent of the f.o.b. value of each tire, would be required at the time of entry of the subject merchandise for consumption or upon its withdrawal from warehouse for consumption on or after January 1, 1974.

From information received since the issuance of the notice of September 16, 1974, it has been finally ascertained, de-

termined or estimated that the net amount of the bounty or grant paid or bestowed upon the subject merchandise is 4.195 percent during 1974 and 2.513 percent during 1975 of the f.o.b. value of each tire, and countervailing duties in these amounts will be collected upon the liquidation of all entries of the subject merchandise for consumption or withdrawals thereof from warehouse for consumption during the period January 1, 1974, through December 31, 1975.

On the basis of information presently available, the amount of such bounty or grant applicable to shipments of X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Company of Canada, Ltd., imported directly or indirectly from Canada, entered for consumption or withdrawn from warehouse on or after January 1, 1976, is estimated to be 2.513 percent of the f.o.b. value of each tire. Accordingly, until further notice, upon entry for consumption or withdrawal from warehouse for consumption of such dutiable X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Company of Canada, Ltd., imported directly or indirectly from Canada which benefit from such bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, estimated countervailing duties of 2.513 percent of the f.o.b. value of each tire. Declarations of the net amount of the bounties or grants finally ascertained, determined or estimated with respect to such merchandise will be published in subsequent issues of the Customs Bulletin.

The liquidation of all entries for consumption or withdrawals from warehouse for consumption of such dutiable X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Company of Canada, Ltd., imported directly or indirectly from Canada which benefit from such bounties or grants and are subject to the order shall continue to be suspended pending declarations of the net amounts of the bounties or grants paid or bestowed.

§ 159.47 [Amended]

The table in section 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting in respect of the commodity "X-radial steel belted tires manufactured by Michelin Tire Manufacturing Company of Canada, Ltd.," the number of this Treasury Decision in the column headed "Treasury Decision," and the words "Final rates declared, new estimated rate" in the column headed "Action."

(R.S. 251, as amended, secs. 303, 624; 46 Stat. 687, 759, 19 U.S.C. 66, 1303, 1624.)

LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved:

PETER O. SUCHMAN,
Acting Assistant Secretary
of the Treasury.

JULY 20, 1976.

[FR Doc.76-21414 Filed 7-22-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 510—NEW ANIMAL DRUGS

Subpart G—Sponsors of Approved Applications

IMC CHEMICAL GROUP, INC.; CHANGE OF SPONSOR

The Food and Drug Administration has been advised by IMC Chemical Group, Inc., P.O. Box 207, Terre Haute, IN 47808, of the change in company name; the former name was Commercial Solvents Corp. Part 510 of the animal drug regulations (21 CFR Part 510) is being amended to reflect this change, effective July 23, 1976.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 510 is amended in § 510.600 in paragraph (c)(1) by deleting the entry for "Commercial Solvents Corp.," and by adding a new sponsor entry alphabetically, and in paragraph (c)(2) by deleting the entry for "012769" and by adding a new sponsor entry numerically, to read as follows:

§ 510.600 Names, addresses, and code numbers of sponsors of approved applications.

(c) * * *		
(1) * * *		
Firm name and address:		
		Drug Listing No.
IMC Chemical Group, Inc., P.O. Box 207, Terre Haute, Ind. 47808		012769
(2) * * *		
Drug Listing No.	Firm name and address	
012769	IMC Chemical Group, Inc., P.O. Box 207, Terre Haute, Ind. 47808.	

Effective date: This amendment shall be effective July 23, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: July 15, 1976.

C. D. VAN HOUWELING,
Director,

Bureau of Veterinary Medicine.

[FR Doc.76-21308 Filed 7-22-76; 8:45 am]

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Diatrizoate Meglumine Injection

The Food and Drug Administration has evaluated a new animal drug applica-

tion (100-403V) filed by Winthrop Laboratories, Division Sterling Drug, Inc., 90 Park Ave., New York, NY 10016, proposing the safe and effective use of diatrizoate meglumine injection as a radiopaque medium in dogs and cats. The application is approved, effective July 23, 1976.

The Commissioner of Food and Drugs is amending Part 522 to reflect this approval.

In accordance with § 514.11(e) (2) (ii) (21 CFR 514.11(e) (2) (ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Chapter I of Title 21 of the Code of Federal Regulations is amended in Part 522 by adding the following new section to read as follows:

§ 522.562 Diatrizoate meglumine injection.

(a) *Specifications.* Diatrizoate meglumine injection contains 60 percent diatrizoate meglumine in sterile aqueous solution.

(b) *Sponsor.* See No. 000024 in § 510.600(c) of this chapter.

(c) *Conditions of use.* (1) It is indicated for use in dogs and cats as an aid to radiographic delineation of internal structures, excretory urography, angiocardiology, and cystography.

(2) For excretory urography administer 0.5 to 1 milliliter per pound of body weight intravenously at the rate of 1 milliliter per second. For angiocardiology administer 0.5 to 1 milliliter per pound of body weight directly into the heart via catheter or intraventricular puncture. For cystography administer via urethral catheter directly into the bladder 10 to 30 milliliters; 1 to 1 or 1 to 10 dilution, 150 milliliters to dogs or 30 milliliters to cats.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date: This amendment shall be effective July 23, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: July 15, 1976.

PHILIP D. CAZIER,
Acting Director,

Bureau of Veterinary Medicine.

[FR Doc.76-21313 Filed 7-22-76; 8:45 am]

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

Ampicillin Trihydrate Boluses

The Food and Drug Administration is amending a regulation concerning am-

picillin trihydrate boluses to include its duration of treatment, effective July 23, 1976.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 540 is amended in § 540.107e by revising paragraph (c)(4)(i)(b) to read as follows:

§ 540.107e Ampicillin trihydrate boluses.

(c) * * *

(b) It is administered at a dosage level of 5 milligrams per pound of body weight twice daily for up to 5 days.

Effective date: This amendment shall be effective July 23, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: July 14, 1976.

C. D. VAN HOUWELING,

Director,

Bureau of Veterinary Medicine.

[FR Doc.76-21311 Filed 7-22-76; 8:45 am]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin, Sulfamethazine

The Food and Drug Administration approves new animal drug applications 100-588V filed by Springfield Milling Corp., Vigorena Feeds, Springfield, MN 56087 and 101-906 V filed by Waterloo Mills Co., 2050 Mitchell Ave., Waterloo, IA 50704, proposing the safe and effective use of tylosin and sulfamethazine premix in the manufacture of swine feeds. These approvals are effective July 23, 1976.

The Commissioner of Food and Drugs is amending § 558.630 (21 CFR 558.630) to reflect these approvals.

In accordance with § 514.11(e) (2) (ii) (21 CFR 514.11(e) (2) (ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.28) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 558 is amended in § 558.630 by revising paragraph (b) (3) and by adding paragraph (b) (6) to read as follows:

§ 558.630 Tylosin and sulfamethazine.

(b) * * *

(3) To 011490, 016968, 017255, 025796, 034500, 035955: 10 grams per pound each, paragraph (f) (2) (ii) of this section.

(6) To 017139: 4, 10, or 20 grams per pound each, paragraph (f) (2) (ii) of this section.

Effective date: This regulation shall be effective July 23, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360(b) (1)))

Dated: July 16, 1976.

PHILIP D. CAZIER,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc. 76-21314 Filed 7-22-76; 8:45 am]

SUBCHAPTER J—RADIOLOGICAL HEALTH

[Docket No. 75N-0148]

PART 1000—GENERAL

Subpart C—Radiation Protection
Recommendations

SPECIFIC AREA GONAD SHIELDING

The Food and Drug Administration (FDA) is promulgating in final form voluntary recommendations to provide guidance for the use of specific area gonad shielding for patients undergoing x-ray examination. This amendment of Part 1000 is effective July 23, 1976.

In the FEDERAL REGISTER of September 16, 1975 (40 FR 42749), the Commissioner of Food and Drugs proposed to amend Subchapter J of Chapter I of Title 21 of the Code of Federal Regulations by adding to Part 1000 (21 CFR Part 1000) a new Subpart C—Guidelines and Recommendations, which set forth in new § 1000.50 (21 CFR 1000.50) recommendations for the use of specific area gonad shielding on patients during medical diagnostic x-ray procedures.

Shielding of the gonads during a diagnostic x-ray procedure is accomplished by interposing lead or lead-impregnated material between the x-ray source and the germinal tissues of the patient to reduce the x-ray dose to those tissues. A thickness of material equivalent to 0.25 millimeter of lead is sufficient to reduce the transmitted intensity of a 100 kVp (kilovolts peak) primary x-ray beam by approximately 90 percent. For a 150 kVp x-ray beam, a thickness of material equivalent to 0.5 millimeter of lead is sufficient to achieve this reduction.

Gonad shielding is desirable because studies indicate that exposure to ionizing radiation causes mutations in germinal tissue, which may adversely affect future generations. A significant portion of the gonad dose to the population incurred during medical x-ray examinations could be eliminated by the use of shielding, without adversely affecting medical radiological diagnoses. Exposure of the gonads is not necessary, unless the use of shielding would interfere with the

visualization of adjacent anatomical structures of interest, or the gonads themselves must be visualized.

Two general types of gonad shields are currently available: Wide area and specific area shields.

Wide area shields, such as lead aprons, cover an extended area of the body, and are frequently used to protect patients from scattered and other secondary sources of x-rays, such as tube housing leakage. They are also used by fluoroscopists, technicians, and other persons who may be exposed to secondary radiation during x-ray examinations. However, they are not generally useful for patients when the gonads lie within or in close proximity to the primary x-ray field because wide area shielding frequently interferes with the objectives of the examination.

Specific area shields cover an area slightly larger than the region of the gonads. This permits their use on patients during many procedures in which the gonads lie within, or are in close proximity to the x-ray field, such as examinations of the abdominal, upper femoral and pelvic regions, without interfering with the objectives of the examination. Among the diagnostic x-ray procedures currently in use, the largest gonad doses are incurred by patients during such examinations. Therefore, the magnitude of the gonad dose reduction that can be achieved by a facility solely by wide area shielding of patients is considerably smaller than that attainable by a program that also incorporates the appropriate use of specific area shielding.

As explained in the preamble to the September 1975 proposal, Subpart C of Part 1000 will contain future voluntary recommendations concerning the protection of the public health from electronic product radiation. Section 1000.50, containing recommendations for health practitioners concerning specific area gonad shielding of patients during diagnostic x-ray procedures, is the first of such voluntary recommendations. It is intended that this and future recommendations promulgated in this subpart will be implemented through educational programs and cooperative activities with professional organizations and State radiation control agencies.

Interested persons were given until November 17, 1975, to file comments on the proposal. In response, 29 letters of comment were received from physicians, radiological physicists and technologists, attorneys, and private citizens. A summary of the comments and the Commissioner's conclusions thereon are as follows:

1. Several persons mentioned the shielding of other organs in their comments on the proposed recommendation. Recommendations regarding the shielding of other radiation-sensitive tissues and organs of patients, such as the thyroid, bone marrow and developing fetus, during medical diagnostic x-ray procedures are also under study by FDA and may be proposed for inclusion in this subpart when sufficient scientific

and technical information is available. The Commissioner wishes to emphasize that these issues currently are being investigated and appropriate action will be taken.

2. Although the majority of the comments generally supported the concept of the recommendation either in its entirety or in part, a few respondents expressed concern that the recommendation was intended as a regulation or might evolve into one. The Commissioner does not intend to impose a regulation in this area. He recognizes that the health practitioner must often exercise professional judgment and discretion, according to the unique medical circumstances of each x-ray examination, about whether or not shielding should be used. Consequently, § 1000.50 contains only recommendations to health practitioners concerning sound radiological practice. One of the principles defining the use of shielding makes it clear that shielding is appropriate only if it will not compromise the diagnostic objectives of the examination. This provision thus supports the decisionmaking role of the attending radiological health care professional.

3. A few comments raised the question of examination applicability for shield use. One comment suggested that shielding be recommended for all x-ray examinations in which it would not interfere with their conduct, regardless of the proximity of the gonads to the primary x-ray beam. Conversely, other comments urged that shield use be encouraged only for certain examinations. The Commissioner's intent is to foster the use of specific area gonad shielding when the gonads will be in or near the primary x-ray beam. The use of gonad shields is obviously not warranted for all examinations because their use would compromise the diagnostic objectives of some examinations. The advocacy of gonad shielding for all examinations in which it would not interfere also is not justified in terms of the potential gonad dose reductions to be effected. It has been argued that if shielding were routinely performed even in those examinations where gonad dose reductions are small, radiological health care personnel would be less likely to forget its use. This argument has merit, but the Commissioner is of the opinion that the rationale is contrary to the professional trust placed in radiological health care personnel for the performance of their health care responsibilities. It would be inconsistent to rely on these personnel for the proper performance of the myriad activities involved in radiological procedures, some of which pose serious health risks if improperly performed, and then to advocate shielding under circumstances intended mainly to habituate personnel to its use. Proper performance of radiological procedures requires thoroughly trained and capable personnel, and the Commissioner acknowledges this basic fact by supporting appropriate radiological health care education through other FDA programs. The Commissioner does not intend to discourage gonad shield use for any examination if an individual health practition-

er chooses it, but he concludes that changes in the recommendation are unnecessary.

4. Several comments suggested that a specified lead equivalence for gonad shields be recommended and that the efficacy of various types of shields be studied. One respondent suggested that shields have a minimum of 0.5 millimeter lead equivalence.

The Commissioner agrees that a specified lead equivalence for gonad shields should be recommended. At the tube potentials (kVp) normally used in diagnostic radiology, 0.5 millimeter lead equivalent shields do not provide substantially greater attenuation of the primary x-ray beam than do 0.25 millimeter lead equivalent shields. Therefore, § 1000.50(a)(4) has been added to recommend that gonad shields have at least 0.25 millimeter lead equivalence.

The Commissioner, in promulgating this recommendation, is endorsing only the concept of appropriate use of gonad shields and not specific shield types. X-ray facilities are encouraged to make their own decisions, commensurate with their clinical circumstances, regarding the types of shielding systems they prefer. Further, studies performed by FDA have already demonstrated that the three generic types of commercially available shields described in the proposal provide reasonable and approximately equivalent attenuation of the primary x-ray beam. Therefore, the Commissioner concludes that it would be unnecessary to discuss further the efficacy of various types of shields in this recommendation.

5. One comment urged mention that the precise proper location of a testicular shield is variable to a small but significant degree, depending upon the exact location of the testes with respect to the pubic symphysis.

The Commissioner agrees that it is imperative that radiological health care personnel take into account variability of shield position due to patient anthropometric characteristics and the information needs of the examination or examination type. This variability can be a crucial determinant of whether or not gonad shielding ought to be used in individual cases. Shields cannot always be positioned so as not to obscure bony structures, such as the pubic symphysis of male patients, and still adequately cover the gonads. Consequently, if the pelvis must be completely visualized in a particular examination, e.g., when a fracture of the symphysis is suspected in a male patient, the use of a gonad shield should be carefully considered. It is precisely this type of situation that calls for the professional judgment of the attending health care personnel. The recommendation states that shielding is not warranted if it will cause loss of needed diagnostic information, and the circumstances when this might occur cannot always be anticipated without seeing the patient. Accordingly, § 1000.50(b)(1) of the final recommendation has been modified to reflect the fact and significance of shield position variability.

6. Section 1000.50(c) recommends specific area gonad shielding if the patient has a reasonable reproductive potential.

One comment suggested that shielding should not be required for males or females over 45 years of age. The Commissioner has determined that because patient age is not the only physical factor that bears upon patient reproductive potential, an age limit should not be specified in the recommendation. Rather, individual x-ray facilities should evaluate the applicability of shielding for particular patients.

It was anticipated that comments submitted on the proposal might provide additional technical and/or clinical information concerning the appropriate use of specific area ovarian shielding. However, no such information was received. Section 1000.50(b)(2) advises that effectively shielding the ovaries from the primary x-ray field is frequently impractical at present because their exact location is difficult to estimate, and the shielding may obscure radiological visualization of adjacent structures due to the proximity of the spine, ureters, and small and large bowel. Because reducing both ovarian and testicular doses is important, specific area gonad shields should ideally be provided during appropriate procedures for patients of either sex. It may be possible for a practitioner to use specific area ovarian shielding during selected views in some examinations, but the techniques are not well established. Although the recommendations are applicable to specific area shielding of both male and female patients, there is no practical guidance presently available on implementing the criteria for females. Research into practicable ovarian shielding techniques will be continued.

Pertinent background data and information supporting the Commissioner's conclusions about this recommendation are available for public review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 356, 82 Stat. 1174-1176 (42 U.S.C. 263d)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the *FEDERAL REGISTER* of June 15, 1976 (41 FR 24262)), Part 1000 of Subchapter J of Chapter I, Title 21, Code of Federal Regulations, is amended by establishing Subpart C consisting at this time of § 1000.50, to read as follows:

Subpart C—Radiation Protection Recommendations

§ 1000.50 Recommendation for the use of specific area gonad shielding on patients during medical diagnostic x-ray procedures.

Specific area gonad shielding covers an area slightly larger than the region of the gonads. It may therefore be used without interfering with the objectives

of the examination to protect the germinal tissue of patients from radiation exposure that may cause genetic mutations during many medical x-ray procedures in which the gonads lie within or are in close proximity to the x-ray field. Such shielding should be provided when the following conditions exist:

(a) The gonads will lie within the primary x-ray field, or within close proximity (about 5 centimeters), despite proper beam limitation. Except as provided in paragraph (b) or (c) of this section:

(1) Specific area testicular shielding should always be used during those examinations in which the testes usually are in the primary x-ray field, such as examinations of the pelvis, hip, and upper femur;

(2) Specific area testicular shielding may also be warranted during other examinations of the abdominal region in which the testes may lie within or in close proximity to the primary x-ray field, depending upon the size of the patient and the examination techniques and equipment employed. Some examples of these are: Abdominal, lumbar spine and lumbosacral spine examinations, intravenous pyelograms, and abdominal scout film for barium enemas and upper GI series. Each x-ray facility should evaluate its procedures, techniques, and equipment and compile a list of such examinations for which specific area testicular shielding should be routinely considered for use. As a basis for judgment, specific area testicular shielding should be considered for all examinations of male patients in which the pubic symphysis will be visualized on the film;

(3) Specific area gonad shielding should never be used as a substitute for careful patient positioning, the use of correct technique factors and film processing, or proper beam limitation (confinement of the x-ray field to the area of diagnostic interest), because this could result in unnecessary doses to other sensitive tissues and could adversely affect the quality of the radiograph; and

(4) Specific area gonad shielding should provide attenuation of x rays at least equivalent to that afforded by 0.25 millimeter of lead.

(b) The clinical objectives of the examination will not be compromised.

(1) Specific area testicular shielding usually does not obscure needed information except in a few cases such as oblique views of the hip, retrograde urethrograms and voiding cystourethrograms, visualization of the rectum and, occasionally, the pubic symphysis. Consequently, specific area testicular shielding should be considered for use in the majority of x-ray examinations of male patients in which the testes will lie within the primary beam or within 5 centimeters of its edge. It is not always possible to position shields on male patients so that no bone is obscured. Therefore, if all bone structure of the pelvic area must be visualized for a particular patient, the use of shielding should be carefully evaluated. The decision concerning the

applicability of shielding for an individual patient is dependent upon consideration of the patient's unique anthropometric characteristics and the diagnostic information needs of the examination.

(2) The use of specific area ovarian shielding is frequently impractical at present because the exact location of the ovaries is difficult to estimate, and the shield may obscure visualization of portions of adjacent structures such as the spine, ureters, and small and large bowels. However, it may be possible for practitioners to use specific area ovarian shielding during selected views in some examinations.

(c) The patient has a reasonable reproductive potential.

(1) Specific area shielding need not be used on patients who cannot or are not likely to have children in the future.

(2) The following table of statistical data regarding the average number of children expected by potential parents in various age categories during their remaining lifetimes is provided for x-ray facilities that wish to use it as a basis for judging reproductive potential:

Expected number of future children versus age of potential parent¹

Age	Male parent	Female parent
Fetus	2.6	2.6
0 to 4	2.6	2.5
5 to 9	2.7	2.5
10 to 14	2.7	2.6
15 to 19	2.7	2.6
20 to 24	2.6	2.2
25 to 29	2.0	1.4
30 to 34	1.1	.6
35 to 39	.5	.2
40 to 44	.2	.04
45 to 49	.07	0
50 to 54	.03	0
55 to 64	.01	0
Over 65	0	0

¹ Derived from data published by the National Center for Health Statistics, "Final Natality Statistics 1970," HRA 74-1120, vol. 22, No. 12, Mar. 20, 1974.

Effective date: This amendment shall be effective July 23, 1976.

(Sec. 356, 82 Stat. 1174-1176 (42 U.S.C. 263d))

Dated: July 14, 1976.

JOSEPH P. HILE,
Acting Associate
Commissioner for Compliance.

[FR Doc.76-21310 Filed 7-22-76; 8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Wyoming Plan—Approval of Wyoming State Posters for Private and Public Employees

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have

been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On May 3, 1974, notice was published in the FEDERAL REGISTER (39 FR 15394) of the approval of the Wyoming plan and the adoption of Subpart BB to Part 1952 containing the decision. On May 26, 1976, Wyoming submitted a supplement to the plan involving a developmental change. (See Subpart B of 29 CFR Part 1953.)

The supplement contains the Wyoming Safety and Health posters for both the public and private sectors which are to be posted at all covered workplaces in the State. With regards to private employers, the state poster will be substituted for the Federal poster upon attainment of operational status by the State.

2. *Description of the Posters.* The Wyoming Safety and Health poster for private employees contains, among other things, provisions notifying employees of their obligations and protections under the Wyoming Occupational Safety and Health Act; their right to request inspections and their right to remain anonymous as a result; their right to participate in inspections; their protection against discharge or discrimination under both Federal and State laws; their right to file complaints about the administration of the State program with the Occupational Safety and Health Administration. The poster for the public sector does not contain provisions for monetary sanctions or for discharge or discrimination complaints to be submitted to the Occupational Safety and Health Administration. Since the definition of "employer" under the Act excludes public employers, section 11(c) rights are not available to public employees.

3. *Location of the plan and supplement for inspection and copying.* A copy of the supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 15010, Federal Building, 1961 Stout Street, Denver, Colorado 80202; the Occupational Health and Safety Department, 200 East Eighth Avenue, Cheyenne, Wyoming 82001; and the Office of the Associate Assistant Secretary for Regional Programs, Room N-3112, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2 (c) of this chapter, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) may prescribe alternative procedure to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Wyoming Safety and Health posters described above incorporate all of the provisions required under 29 CFR 1952.10 (a) (5) and 29 CFR 1903.2(a) (3). Accordingly, it is determined that further public comment and notice is unnecessary.

5. *Decision.* After consideration, the Wyoming Safety and Health Posters de-

scribed above are hereby approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally including 29 CFR 1952.10(a) (2). In addition, Subpart BB of 29 CFR Part 1952 is amended to reflect the completion of a developmental step upon the approval of the State posters. Accordingly, Subpart BB of Part 1952 is amended by adding a new section as follows:

§ 1952.344 Completed developmental steps.

(a) In accordance with § 1952.343(a) the State adopted Federal standards covering all the issues contained in 29 CFR Parts 1910 Subparts D through S, and 1926 (The State will not cover Parts, 1915, 1916, 1917, and 1918). (40 FR 8948, March 4, 1975; 41 FR 26767, June 29, 1976.)

(b) In accordance with the requirements of 29 CFR Part 1952.10 the Wyoming posters for private and public employees were approved by the Assistant Secretary on July 14, 1976.

(Secs. 8(g), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g) 667))

Signed at Washington, D.C. this 14th day of July 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-21142 Filed 7-22-76; 8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 209—ADMINISTRATIVE PROCEDURES

Shipping Safety Fairways and Anchorages

Pursuant to the provisions of Section 10 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), and section 4 of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. 1333 (f)) § 209.135 establishing shipping safety fairways and anchorage areas in the Gulf of Mexico is hereby amended with respect to paragraph (d) (50).

On March 4, 1976, the Department of the Army, acting through the Chief of Engineers, published regulations in 33 CFR 209.135 to amend regulations with respect to paragraphs (d) (41) through (d) (46) and the addition of (d) (47) through (d) (51). It has been determined that the addition of the position 26°40' 19" N, 82°18'28" W in the second group of paragraph (d) (50) will clarify and effect a complete closure with the fairway existing prior to March 4, 1976. Accordingly, since this amendment will not change the overall configuration of the fairway notice of proposed rulemaking and public procedures thereto are considered unnecessary. Section 209.135 is amended as follows effective August 23, 1976.

§ 209.135 Shipping safety fairways and anchorage areas, Gulf of Mexico.

(d) The areas.

(50) Charlotte Safety Fairways. The area between rhumb lines joining points at:

26°41'18" N, 82°19'00" W, 25°30'00" N, 84°22'00" W.

And rhumb lines joining points at:

26°40'19" N, 82°18'28" W, 26°38'30" N, 82°19'54" W, 26°39'00" N, 82°19'00" W, 25°28'00" N, 84°21'30" W.

Dated: July 7, 1976.

VICTOR V. VEYSEY,
Assistant Secretary
of the Army (Civil Works).

[FR Doc.76-21368 Filed 7-22-76; 8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-PR Temporary Regulation No. 21]

PART 9-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 9-4.52—Unsolicited Proposals

JULY 15, 1976.

1. *Purpose:* This regulation, which supersedes ERDA-PR Subpart 9-4.52, is for the purpose of expanding and clarifying the policies and procedures concerning the receipt, evaluation, acceptance or rejection of "Unsolicited Proposals".

2. *Effective date:* This regulation is effective on July 23, 1976. Interested persons may submit comments on this regulation to: Director of Procurement, U.S. Energy Research and Development Administration, Washington, DC 20545. Comments received on or before September 21, 1976 will be considered in determining whether revision of this regulation may be advisable.

3. *Expiration date:* This regulation will remain in effect until its provisions are incorporated by permanent revision to the ERDA-PR or until canceled.

4. *Purpose of changes:* In Subpart 9-4.52 the previous subpart title included "Research and Development Contracts Submitted by Individuals and Commercial and Not-for-Profit Organizations other than Educational Institutions". No reason was seen to limit unsolicited proposals to "Research and Development" nor to restrict its application to individuals and commercial and not-for-profit organizations when in fact the proposal may encompass any area of interest to ERDA and be submitted by any individual or organization, including educational institutions and state or local governments.

In § 9-4.5201 paragraph (a) the definition of "unsolicited proposal" is redefined to reflect the following changes:

1. Broadens application of unsolicited proposals by eliminating reference to "research and development work (including feasibility studies)" and substitutes in its place "offer to perform work".

2. Clarifies the interpretation of what an unsolicited proposal is by describing and defining what it is not, e.g., advertising material, commercial product offerings, commercial service offerings, contributions, technical correspondence, or capability statements.

In § 9-4.5201 paragraph (b) the "responsible program official" is changed from the "Headquarters Director of the Program Division of ERDA" to the cognizant Assistant Administrator. The purpose is to provide the Assistant Administrator or designee with a mechanism for the control and assignment of all unsolicited proposals coming into his organization. In addition, reference to "research and development work" is deleted in view of the revised definition of unsolicited proposals.

In § 9-4.5201 paragraph (c) the definition of "Project Officer" is added as the individual designated direct responsibility for the unsolicited proposal.

In § 9-4.5201 paragraph (d) "Responsible receiving office" is added as the central point within ERDA for the control of unsolicited proposals.

In § 9-4.5201 paragraph (e) a new concept entitled, "Notice of Program Interest" is added to reflect the procedure incorporated into this document for stimulating the submission of unsolicited proposals by periodically publishing a list of ERDA's broad program needs as a guide for potential submitters.

In § 9-4.5202 the title is changed from "Policy" to "General" to provide (1) an overview of ERDA's attitude toward unsolicited proposals and (2) the broad criteria by which unsolicited proposals can be accepted for support and the introduction of grants and other arrangements, in addition to contracts, as a funding mechanism. Most of the provisions of § 9-4.5202(b) of the existing policy have been deleted from "Policy" and included under the category entitled "General". However, § 9-4.5202(b)(2), which states "there is no substantial question as to the choice of the source (for example, where only the proposer is found fully qualified as a result of thorough technical evaluation)," is deleted in its entirety; this statement implies a competitive assessment of an unsolicited proposal which is incompatible with the intended purpose and underlying philosophy regarding the treatment of unsolicited proposals.

§ 9-4.5202 paragraph (a) is transferred from "Policy" and included under the new category entitled "General". In addition, it is broadened by adding methods and approaches to ideas and deleting "research and development work."

Section 9-4.5202 paragraph (c) is eliminated from the policy statement in its entirety since it is more in the nature of a procedure than a policy.

Section 9-4.5202 paragraph (d) is eliminated from the policy statement since it is more appropriately covered as a procedure under § 9-4.5203-3(c) entitled "Limited Use of Data".

Section 9-4.5202 paragraph (e) is eliminated as a policy statement since it

is no longer totally applicable. The proposed cost participation policy significantly modifies the circumstances mandating the requirement for cost sharing. Cost participation is addressed under § 9-4.5203-6 entitled "Cost Participation".

Section 9-4.5202-1 restates the ERDA commitment to competitive procurement and sets forth the policy that the unsolicited proposal is a legitimate mechanism for individuals and organizations to propose ideas deserving of support. This policy incorporates the intent of Recommendation B7 of the Commission on Government Procurement which states, "Eliminate restraints which discourage the generation and acceptance of innovative ideas through unsolicited proposals" by (a) encouraging the dissemination of general information on ERDA's broad program needs (b) creating an environment that fosters advance consultations with prospective proposers (c) providing for widespread dissemination of proposals both within ERDA and to other interested Government agencies (d) expeditiously processing proposals (e) assuring a fair and objective evaluation (f) using the information provided only for its intended purpose and (g) not divulging the information without prior permission.

In § 9-4.5203 the procedures set forth in paragraphs (a), (b) and (c) of this section have been superseded and the following detailed procedures substituted in its place.

Section 9-4.5203-1, Notice of program interest, sets forth the procedure for disseminating information on ERDA's broad program needs.

Section 9-4.5203-2, Advance consultations, prescribes the procedures for advance discussions with interested potential proposers prior to the submittal of an unsolicited proposal.

Section 9-4.5203-3, Submission of proposals, establishes a procedure for the submission, content, use and accountability of unsolicited proposals through a central control point within Headquarters.

Section 9-4.5203-4, Review and evaluation, provides for preliminary screening of proposals at the central control point prior to forwarding to interested program offices. The program offices perform a comprehensive evaluation using evaluation factors and must prepare a detailed "Justification for acceptance of unsolicited proposals" which is subject to review and approval procedures. In the event that the decision is made not to support the proposal, then a written statement setting forth the basis for rejection must be prepared.

Section 9-4.5203-5, Acceptance of unsolicited proposals, discusses those circumstances that permit acceptance of unsolicited proposals for support.

Section 9-4.5203-6, Cost participation, cites the proposed Regulation on Cost Participation as the guide for determining when cost sharing will be used. This is a marked change from the existing policy which states "It is the policy of

ERDA to encourage cost sharing by organizations which submit unsolicited proposals.

Section 9-4.5203-7, Patents, cites ERDA's patent policy and procedures and highlights the provisions that apply to unsolicited proposals.

Section 9-4.5203-8, Responsible prospective contractor, advises submitter that it will be necessary for him to be determined "responsible" before ERDA can support his proposed work.

Section 9-4.5203-9, Interagency coordination, describes the procedures for assuring appropriate dissemination of the unsolicited proposal.

5. *Explanation of change:* A new subpart is added as follows:

Subpart 9-4.52—Unsolicited Proposals

- 9-4.5201 Definitions.
- 9-4.5202 General.
- 9-4.5202-1 Policy.
- 9-4.5203 Procedure.
- 9-4.5203-1 Notice of program interest.
- 9-4.5203-2 Advance consultation.
- 9-4.5203-3 Submission of proposals.
- 9-4.5203-4 Review and evaluation.
- 9-4.5203-5 Acceptance of unsolicited proposals.
- 9-4.5203-6 Cost participation.
- 9-4.5203-7 Patents.
- 9-4.5203-8 Responsible productive contractors.
- 9-4.5203-9 Interagency coordination.

AUTHORITY: Sec. 105 of the Energy Reorganization Act of 1974 (Pub. L. 93-438).

Subpart 9-4.52—Unsolicited Proposals

§ 9-4.5201 Definitions.

(a) An "unsolicited proposal" is a written offer to perform work submitted by an organization or individual solely on its own initiative and not in response to a specific request made by ERDA. For purposes of this definition, an "unsolicited proposal" is not advertising material, commercial product offerings, commercial service offering, contributions, technical correspondence or capability statements.

(1) *Advertising material.*—Written material designed to acquaint the Government with a prospective contractor's present off-the-shelf products or potential capabilities, or is designed to determine the Government's interest in buying such products.

(2) *Commercial product offerings.*—Offers of standard commercial products usually sold in substantial quantities to the general public and which the vendor wishes to see introduced in the Government's supply system as an alternate or replacement for an existing supply item.

(3) *Commercial service offerings.*—Offers of commercial services such as painting, janitorial, trash removal and related services which are readily available using normal competitive procurement methods.

(4) *Contributions.*—Concepts, suggestions, or merely ideas presented to the Government for its use, with no expectation expressed by the offeror for support by the Government to perform work.

(5) *Technical correspondence.*—Includes written inquiries regarding Gov-

ernment interest in research areas, pre-proposal explorations, technical inquiries, and research descriptions.

(6) *Capability statements.*—General statements informing ERDA of an individual or organizations technical, business, manufacturing experience, capability and background.

(b) *Responsible program official.*—The cognizant Assistant Administrator within whose area of program responsibility falls the work contemplated by the unsolicited proposal.

(c) *Project Officer.*—The individual designated by the responsible program official, or his designee, having responsibility for the unsolicited proposal.

(d) *Responsible receiving office.*—The office designated as the central control point for the receipt, distribution, accountability and status reporting of unsolicited proposals.

(e) *Notice of program interest.*—A means by which broad technical areas of concern to ERDA program offices are identified and disseminated in order to stimulate the flow of unsolicited proposals. The notice describes problems not desired solutions.

§ 9-4.5202 General.

(a) The energy policies set forth in the Energy Reorganization Act of 1974 and the Federal Nonnuclear Research and Development Act of 1974, and ERDA's other enabling legislation, has as a recurring theme that if the nation is to achieve energy independence, it must not only create a new set of domestic energy choices for the future but do so faster than it has ever been done before. Unsolicited proposals are an effective means of assisting the ERDA in fulfilling its role in implementing the Nation's energy policies.

(b) Unsolicited proposals may be accepted upon a determination by the responsible program official or designee, that support (such as award of a contract, grant, or other arrangement as authorized by law) to the proposer is justified because (1) the proposal was submitted solely on the proposer's own initiative in accordance with this Subpart 9-4.52; and (2) the purpose is to explore a method, approach or an idea or carry out an initial development in support of ERDA's mission which (a) does not unnecessarily duplicate work already underway or contemplated by ERDA, and (b) is not already known by ERDA, or (c) has previously unrecognized merit or value; or (3) acceptance is otherwise authorized by statute.

§ 9-4.5202-1 Policy.

It is ERDA policy to make maximum practicable use of invitations for bids, requests for proposals, program opportunity notices and program research and development announcements in order to solicit competitive proposals. Because present and future needs demand fullest possible use of all resources in exploring alternative energy sources and technologies, it also is ERDA policy to encourage the submission of unsolicited proposals by

providing an environment with reasonable restraints which encourages the generation and acceptance of innovative ideas through unsolicited proposals. In furtherance of this policy, ERDA will:

(a) Endeavor to disseminate information as to areas of broad technical concern whose solutions are considered relevant to the accomplishment of ERDA's mission.

(b) Encourage potential proposers to consult with program personnel before expending resources in the development of written unsolicited proposals. (See § 9-4.5203-2, Advance Consultation, for limitations.)

(c) Assure that unsolicited proposals are distributed to all interested organizations within ERDA as well as to other Federal agencies.

(d) Process unsolicited proposals in an expeditious manner keeping proposers advised of status.

(e) Assure that each proposal is evaluated in a fair and objective manner.

(f) Assure that each proposal will be used only for its intended purpose and the information contained therein will not be divulged without prior permission.

§ 9-4.5203 Procedure.

These regulations establish procedures for disseminating information regarding ERDA's program needs, providing for advance consultations and submitting, accounting for, evaluating and selecting unsolicited proposals for support. (See § 9-4.5203-2, Advance Consultations, for limitations.) In the event of inconsistency between the provisions of this temporary regulation, Subpart 9-4.52—Unsolicited Proposals and Subpart 9-4.51—Research Agreements and Contracts with Educational Institutions, the provisions of this temporary regulation govern insofar as unsolicited proposals are concerned.

§ 9-4.5203-1 Notice of program interest.

(a) The notice of program interest can be used to stimulate the flow of unsolicited proposals. Each program office may publish, periodically, a listing of broad, general, technical problems and areas needing investigation. The proposed solutions must be essential to the accomplishment of the program office's mission, and must involve innovative approaches.

(b) The "notice" should contain, but is not limited to, the following:

(1) An assigned number of the listing for control and reference purposes;

(2) A brief description of the broad general technical problem or areas needing investigation (generally 50 words or less);

(3) Restrictions, if any, as to who may submit proposals;

(4) A contact as appropriate (name and telephone number) within the program office or division, where additional information may be obtained;

(5) An expiration date as needed;

(6) A statement that ERDA reserves the right to support or not to support any or all proposals in whole or in part;

(7) As appropriate, a statement that ERDA assumes no responsibility for any costs associated with specific proposal preparation;

(8) Number of proposal copies required;

(9) A reference that additional specific information on proposal preparation may be found in "Guide for the Submission of Research and Development Proposals by Individuals and Organizations" (available from ERDA, Division of Procurement, Washington, DC 20545); and, "Guide for the Submission of Research Proposals from Educational Institutions" (available from ERDA, Office of University Programs, Washington, DC 20545); and, additional detailed information concerning contracting policy and procedures contained in ERDA Procurement Regulations, copies of which are available at nominal cost from the Superintendent of Documents, Government Printing Office, Washington, DC 20402.

(c) The content of the "notice" should be consolidated for publication at the responsible program official level and should be in the format that best reflects the needs of a specific program office, e.g. letter, booklet, bulletin, or related documents.

(d) The notice should be distributed widely. It may be distributed to industry, associations, including small business associations, schools, colleges and universities, appropriate professional and scientific journals, other program offices, Office of Industry and State and Local Relations, Office of University Programs, Small Business Advisor and Office of Public Affairs, as well as individuals and organizations who request copies on a one-time basis. Copies are to be sent to the Director of Procurement.

§ 9-4.5203-2 Advance consultation.

(a) The project officer will, when feasible, be available for technical discussions with potential proposers. Advance discussions shall be limited to clarification of broad areas of technical concern to ERDA as published in the notice. ERDA personnel shall not provide any potential proposer with specific technical input and direction which would be the substance of any proposal. The ideas must be those of the proposer.

(b) The project officer will not indicate or imply in discussions with the potential proposer that a proposal will result in the award of a contract, grant, or other arrangement. Nothing is to be suggested to encourage or authorize the proposer to perform any work at ERDA expense in anticipation of support of a contract, grant, or other arrangement.

§ 9-4.5203-3 Submission of proposals.

All unsolicited proposals will be submitted to a central control point within ERDA to establish agency accountability, tracking and reporting. Responsibility for controlling and accounting for unsolicited proposals is vested in both the Division of Procurement and the Office of University Programs. The source of the unsolicited proposal determines

which office is responsible for its control.

(a) Unsolicited proposals, except those from educational institutions, shall be submitted to: Division of Procurement, Rm. C-167, U.S. Energy Research and Development Administration, Washington, DC 20545. Unsolicited proposals from educational institutions shall be submitted to: Office of University Programs, U.S. Energy Research and Development Administration, Washington, DC 20545.

(b) Unsolicited proposals should contain the following information in order to permit processing in an objective and timely manner:

(1) *Basic information.* This includes name and address of submitter; date of submission of proposal; specify whether an individual or organization (indicate whether profit, nonprofit, educational, small business or other); proposed starting and completion dates; period for which proposal is valid (should be a minimum of six months from date of submission); names and telephone numbers of the proposer's primary business and technical personnel whom ERDA may contact for evaluation or negotiation purposes; signature of person authorized to contractually obligate the individual or organization; other federal, state or local governmental agencies to whom the proposal has been submitted and/or those funding the proposed effort.

(2) *Business and financial information.* This includes a cost estimate for the proposed effort sufficiently detailed by element of cost to permit a meaningful evaluation; current financial statements; a descriptive brochure of the organization, if available; and a brief description of the proposer's facilities.

(3) *Technical information.* This includes a concise title and an abstract, of the detailed proposal, of approximately 200 words describing the proposed effort. Include a discussion of the purpose of the proposal focusing on how the work will help to support the accomplishment of ERDA's mission; names of proposers key personnel including the principal investigator or team leader along with brief biographical information on each; and type of support proposer requests of ERDA including facilities, equipment, materials and personnel resources.

(c) The submitter of an unsolicited proposal may mark it with a legend restricting the disclosure and use of data in the proposal. Subpart 9-3.150 of the ERDA Procurement Regulations sets forth the policies and procedures pertaining to the marking and handling of proprietary data and privileged business information. ERDA regulations with regard to the avoidance of organizational conflicts of interest (see Subpart 9-1.54) shall apply with regard to the making of awards on the basis of unsolicited proposals; the administration of contracts, grants, or other arrangements resulting from such awards; and any evaluation of proposals which ERDA decides to have made either outside the government or by its contractor organizations operating and managing ERDA facilities, including the

competitive relationship, if any, between the proposer and the prospective outside evaluator. In addition, if the proposal under consideration expressly indicates that only Government evaluation is authorized and evaluation outside the Government is nevertheless desired, the proposer should be advised that ERDA may be unable to give full consideration to the proposal unless the proposer consents in writing to having the proposal evaluated outside the Government.

§ 9-4.5203-4 Review and evaluation.

(a) Unsolicited proposals will be acknowledged promptly by the responsible receiving office and processed expeditiously. Proposers will be notified as to the ultimate disposition of their proposals.

(b) (1) Prior to making a comprehensive evaluation, the responsible receiving office shall determine that the document:

(i) Contains the information required by § 9-4.5203-3(b).

(ii) Has been approved by a responsible official of the organization or a person authorized to contractually obligate the organization.

(iii) Is not advertising material, commercial product offerings, commercial service offerings, contributions, technical correspondence or capability statements as defined in § 9-4.5201.

(2) If the document does not meet these requirements, a comprehensive evaluation need not be made, and the document may be considered and handled as advertising material, commercial product offerings, commercial service offerings, contributions, technical correspondence or capability statements. The submitter will be told how the document is being interpreted and the reason(s) for not considering it as an unsolicited proposal.

(3) However, if the document contains most of the information required by § 9-4.5203, the missing information may be requested by the responsible receiving office from the submitter so that it may be processed as an unsolicited proposal.

(4) After the responsible receiving office has acknowledged receipt of the document, completed its preliminary review and established accountability, it will send copies of the unsolicited proposal to the responsible program official(s) or his designee(s). Each unsolicited proposal that is circulated for a comprehensive evaluation shall have a legend attached or imprinted on it by the responsible receiving office identifying it as an unsolicited proposal, and stating that it shall be used only for purposes of evaluation.

(c) The responsible program official or designee shall assign a project officer and such other personnel as necessary to evaluate the proposal fairly and objectively. In some instances the responsible program official may find it advantageous to subject the proposal to external rather than internal evaluation, such as peer group reviews in the case of educational institutions or to the National Bureau of Standards in the case of the

Small Inventors Program. See § 9-4.5203-3(c) for prohibition against organizational conflicts of interest and related matters.

(i) **Evaluation factors.** In evaluating an unsolicited proposal, the project officer shall consider the following factors and such other factors as are deemed appropriate:

(i) The potential contribution which the proposed work is expected to make to ERDA's specific mission, if supported at this time;

(ii) The capabilities, related experience, facilities, or techniques which the proposer possesses and offers, and which are considered to be integral factors for achieving the objectives of the proposal;

(iii) The qualifications, capabilities, and experiences of the proposed investigator, team leader, or key personnel, who are considered to be critical in achieving the objectives of the proposal;

(iv) How the proposal differs from current work in the same subject area, and the significance of this difference; and,

(v) Whether the proposal meets the criteria set forth in § 9-4.5202(b).

(d) Upon completion of the comprehensive evaluation, the procedures set forth in the following paragraph shall be followed if the decision is made not to support the proposed effort. However, if the decision is made to support the effort, the procedures set forth in subparagraphs (2) and (3) shall be followed.

(1) **Non-support of proposal.** The project officer prepares:

(i) A written statement setting forth the basis for rejection of the unsolicited proposal, submits one copy to the responsible program official and retains one copy in the permanent file.

(ii) A letter to the submitter, for the signature of the responsible program official or designee, with one copy to the responsible receiving office, setting forth the basis for rejection of the proposal but including, if known, the names of other agencies that might have an interest in the proposed effort. See § 9-4.5203-9 for interagency coordination.

(2) If the project officer recommends acceptance of the proposal, he shall prepare a "Justification for Acceptance of Unsolicited Proposal" and submit it to the responsible program official or designee, with one copy to the responsible receiving office. The justification shall address each of the evaluation factors contained in § 9-4.5203-4(c)(1). Once the justification has been approved, it shall be appended to the procurement request.

(3) Based upon the dollar amount involved (in the case of cost sharing contracts, the contractor's shared amount is included in the dollar amounts specified) the justification shall, as a minimum requirement, be reviewed and approved as follows:

(i) For procurements in excess of \$500, but not in excess of \$10,000 (small purchases), the justification shall be approved by the responsible program official or designee.

(ii) For procurements in excess of \$10,000, but not in excess of \$5 million, the justification shall be submitted for the review and concurrence of the Procurement Division Senior Procurement Advisor (Headquarters), the Office of the General Counsel, and shall be approved by the responsible program official or designated official not below the level of division director.

(iii) For procurements in excess of \$5 million, but not in excess of \$10 million, the justification shall be submitted for the review and concurrence of the program division director (Headquarters) and the Procurement Division's Assistant Director for Program Support (Headquarters), the Office of the General Counsel, and shall be approved by the responsible program official.

(iv) For procurements in excess of \$10 million, the justification shall be submitted for the review and concurrence of the program division director (Headquarters), the Director of Procurement, the Office of the General Counsel, the Responsible program official, and the Assistant Administrator for the Administration and shall be approved by the Administrator.

§ 9-4.5203-5 Acceptance of unsolicited proposals.

(a) When the substance of an unsolicited proposal is available to ERDA without restriction from another source or its substance closely resembles that of a pending competitive solicitation or otherwise does not fulfill the purpose of § 9-4.5202(b), the proposal shall be rejected.

(b) When an unsolicited proposal has received a favorable technical evaluation, has met all of the requirements, and the required justifications for acceptance of unsolicited proposals has been approved, the subject matter of the proposal may be procured from the proposer.

(c) Formal RFPs and RFQs shall not be used to obtain additional information needed for the negotiation of contracts based upon unsolicited proposals. The proposal itself constitutes the basis for negotiation and any further technical or business information shall be considered to supplement, amend or revise the original proposal.

§ 9-4.5203-6 Cost participation.

Subpart 9-4.56 which outlines ERDA's cost participation policy, shall be followed in determining the extent to which ERDA will participate in the cost for the proposed effort.

§ 9-4.5203-7 Patents.

(a) ERDA's policies and procedures on patents, data and copyrights are contained in Part 9-9. Some of the basic features of this policy and procedure are:

(1) The Atomic Energy Act of 1954, as amended, and the Federal Nonnuclear Energy Research and Development Act of 1974 direct ERDA to acquire title to inventions made under ERDA contracts, but give the Administrator broad discretionary authority to waive rights in inventions when determined to be in the

best interest of the United States and the general public. In making waiver determinations the Administrator shall have the following objectives:

(i) Make benefits of energy R&D and demonstration programs widely available to the public in the shortest practicable time.

(ii) Promote the commercial utilization of such inventions.

(iii) Encourage participation by private persons in ERDA's energy research, development and demonstration programs.

(iv) Foster competition and prevent undue market concentration or the creation or maintenance of other situations inconsistent with the anti-trust laws.

(b) Specific considerations in determination of waivers are outlined in § 9-9.109-6 of the ERDA Procurement Regulations.

(c) Waiver may be appropriate in cost participation contracts; in supporting ongoing private R&D efforts; where ERDA facilities are used by others at reimbursable costs; and where the equities of the contractor are so substantial that waiver is necessary to obtain contractor participation.

(d) Acquisition by the Government of certain limited rights to a contractor's background position is of concern to both ERDA and industry. ERDA's approach is to develop a narrow background patent rights clause which will acquire certain limited rights in background patented technology where as such technology is essential to practice the contract results. This clause requires a free license to the Government for research, development, and demonstration purposes only. The clause also provides for the licensing of third parties, at ERDA's request, for reasonable royalties in the field of the contract effort.

(e) Acquisition of rights to contractor's background technology is negotiable and is based on balancing the needs of ERDA programs, the general public and the equities of the contractor. Normally, for contracts under \$250,000 and in most study contracts, planning contracts and contracts for specialized equipment not intended for further procurement by the Government or for use by the public, the acquisition of rights to a contractor's background patents is not required by ERDA.

§ 9-4.5203-8 Responsible prospective contractors.

Notwithstanding the decision to accept an unsolicited proposal, organizations and individuals are subject to the policies concerning the responsibility of prospective contractors set forth in Subpart 9-1.12.

§ 9-4.5203-9 Interagency coordination.

(a) When it is determined that the effort proposed by an unsolicited proposal is not within the mission of ERDA, the proposal may be referred to another agency whose mission indicates potential interest in the unsolicited proposal and the proposer notified.

(b) An unsolicited proposal may propose activities that are also of interest to other agencies. In such cases, inter-agency proposal evaluation should be initiated. If found acceptable, an agency may either write a separate contract or joint fund the program with another agency having a collateral interest.

M. J. TASHJIAN,
Director of Procurement.

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Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20553]

PART 76—CABLE TELEVISION SERVICES

Specialty Stations and Specialty Format Programming, Carriage

MEMORANDUM OPINION AND ORDER

In the Matter of Amendment of Part 76, Subparts A and D of the Commission's Rules and Regulations Relative to Adding a New Definition for "Specialty Stations" and "Specialty Format Programming" and Amending the Appropriate Signal Carriage Rules.

By the Commission: Commissioner Lee dissenting and issuing a statement; Commissioner Hooks concurring and issuing a statement; Commissioner Washburn concurring in the result.

1. On February 26, 1976, the Commission adopted its First Report and Order in Docket 20553, FCC 76-189, 54 FCC 2d 442 (1976) (41 FR 10895; March 15, 1976). That action added § 76.5(kk) to the Commission's Rules to define a "specialty station"¹ and amended §§ 76.59(d) (1) and 76.61(c) (1) of the Rules to permit the carriage by cable television systems of specialty stations or stated types of specialty programming without regard to the limitations otherwise imposed by §§ 76.59(b) and 76.61 (b) and (c) on the carriage of distant commercial non-network stations. Petitions for reconsideration of the First Report and Order have been filed pursuant to § 1.106 of the Rules by the National Association of Broadcasters (NAB),² the Association of

Maximum Service Telecasters, Inc. (AMST), Pappas Television, Inc., and several Spanish-language television station licensees and permittees, including Spanish International Communications Corporation (SICC et al.). Oppositions to the petitions for reconsideration have been filed by the Christian Broadcasting Network (CBN), National Religious Broadcasters (NRB), TelePrompTer Corporation, and the National Cable Television Association (NCTA), to which NAB, AMST and Pappas have replied.

2. At Paragraph 28 of the First Report and Order, supra at 454, the Commission stated that specialty stations were not widely viewed in their home markets and were unlikely to attract larger audiences in distant markets. The Commission's decisions to permit carriage of the full program schedule of specialty stations and not to limit the number of such stations carried were based in part on these conclusions. AMST disputes their accuracy, pointing to the audience shares garnered by several specialty stations during early fringe time, e.g., 4:30-7:30 p.m., to demonstrate that these stations attract what are termed "substantial" audiences during these hours in both local and distant markets. Specifically, AMST points to Stations WHAE-TV, Atlanta, Georgia, and WHMB-TV, Indianapolis, Indiana, which attain early fringe time audience shares of five and four in their home markets in contrast to their overall two shares sign-on to sign-off.³ AMST further shows that Stations KXTX-TV, Dallas Texas and WYAH-TV, Portsmouth, Virginia, attain in-market audience shares of 8 and 18, respectively, during early fringe time, audience shares respectively four and five times larger than those attained during prime time. To demonstrate that specialty stations can attract larger audiences in distant markets than in their local markets, AMST has submitted data showing that during early fringe time, KXTX-TV obtains a higher audience share than that attained in its own market in 18 of the 28 counties in which it is carried as a distant signal. Stressing that independent stations rely heavily on the audiences and revenues generated by early fringe time programming, AMST recommends that the new Rules be deleted in their entirety.⁴

3. We do not find fringe time programming to be relevant in defining what constitutes a specialty station. Prime time is generally the time during which any station's largest potential audience exists, and it is during these hours that a station presents the programming that is characteristic of its overall schedule,

whether it be network, non-network, or specialty programming. Our definitions of independent stations as well as full and partial network stations are framed in recognition of this fact. Cable Television Report and Order, FCC 72-108, 36 FCC 2d 143, 177 at n. 47 (1972). There is no reason to treat specialty stations any differently for definitional purposes.

4. Nor do we agree that the fact that some specialty stations attract larger audiences during early fringe hours than during the remainder of the broadcast day undercuts the rationale for amending our Rules to permit their carriage. At Paragraph 23 of the First Report and Order, supra at 452, we stated that amendment of our Rules to facilitate carriage of specialty stations was appropriate to resolve an existing anomaly therein: specialty stations appeal to and attract extremely small audiences⁵ but offer the program diversity which our Rules are designed in part to provide; however, our signal carriage rules effectively precluded their carriage on the assumption that such was necessary to preserve local broadcast service. For these reasons we amended our Rules, thus giving systems the opportunity to increase the program diversity available to subscribers without creating a material threat to local broadcast service. In so doing, we emphasized that local stations were free to rebut the presumption that carriage of specialty stations would not prove critically adverse in an appropriate request for waiver of our Rules. The AMST/NAB showings do not demonstrate that we were in error in assuming that specialty stations attract limited audiences, nor has it been shown that their carriage will prove critically adverse to local stations. On the contrary, analysis of specialty stations' early fringe time audience shares sustains our finding of their limited appeal. Of the remaining 21 specialty stations not included in AMST's survey 16 do not even meet the minimum standards necessary for measurement of ADI audience share in the Arbitron survey. The median audience share for all specialty stations during the time periods 4:30-6:00 p.m. and 5:00-7:30 p.m. is less than one percent; by contrast, the median audience shares garnered by independent stations during these time periods are 10.5 and 12.0 percent respectively.⁶ WYAH-TV, WHMB-TV, WHAE-TV, and KXTX-TV, cited by NAB, thus attain early fringe time audience shares atypically greater than the norm. In this respect it might be noted that WYAH-TV is the only commercial non-network station licensed to its market which is ranked currently by ARB as the 48th largest nationally. Similarly, the early fringe audience shares of WHAE-TV (5), WHMB-TV (4) and KXTX-TV (8), although somewhat larger than those of the average specialty station, are sharply

¹ Section 76.5(kk) defines a specialty station as follows:

Specialty Station. A commercial television broadcast station that generally carries foreign-language, religious, and/or automated programming in one-third of the hours of an average broadcast week and one-third of weekly prime-time hours.

² NAB's petition for reconsideration was filed on April 15, 1976, thirty-one days after publication of the First Report and Order in the Federal Register on March 15, 1976, 41 FR 10895. NAB's petition accordingly was not timely filed within the thirty-day period prescribed by Section 405 of the Communications Act of 1934, as amended, and Section 1.429(d) of the Rules, and will be dismissed. In a reply comment responsive to the opposition petition of the National Cable Television Association, the Association of Maximum Service Telecasters specifically incorporated by reference the arguments of the NAB and resubmitted as its own the exhibits to the NAB petition. We are thus able to fully consider the data and argument raised by the NAB in connection with our consideration of the AMST reply comment.

³ "Audience share" refers to the percentage of the total viewing audience in the Area of Dominant Influence (ADI) or Standard Metropolitan Statistical Area (SMSA, or Metro rating area) viewing one particular station during a given time period. Also incorporates by reference, is that § 76.5 (kk) be modified to define as specialty stations only those stations which broadcast specialty programming during one-third of their average broadcast week and one-third of weekly early fringe time hours.

⁴ NAB's proposal, which AMST presumably

⁵ As we noted in the First Report and Order, supra at 452 n. 15, and as NAB recognizes in its petition, specialty stations' average audience shares are in the 0-2 range.

⁶ Statistics are based on audience shares obtained from the Day-Part Audience Summary, February 1976, survey, by Arbitron Television.

smaller than the early fringe audience shares attained by independent Stations WTCG-TV (21), WTTV (36), and KTVT (35), licensed to the same markets.

5. AMST's selection of KXTX-TV to argue that specialty stations may garner a larger audience share during early fringe time in distant markets than in their own markets and thus be capable of producing a critically adverse effect on local independent stations is similarly unpersuasive. NCTA has submitted a study which shows that the ADI markets of 27 Texas counties⁷ into which KXTX-TV was imported had no local independent station, and that in 15 of the 27 counties, market signals did not even include three full network stations. AMST's implication that this larger audience share shows that carriage of distant specialty stations will prove critically adverse to a local independent station is thus largely mooted by the fact that no local independent station exists. Furthermore, NCTA also points out that the majority of cable systems importing KXTX-TV also import its competitor, KTVT, an in-market independent station, and in 26 of the 27 counties KTVT obtains markedly larger audience shares during the hours of 4:30-7:30 p.m. than KXTX.⁸ The median audience share attained by KTVT on these systems is 21 percent, compared to KXTX-TV's median audience share of approximately 11 percent. Finally, CBN notes that an examination of the net weekly circulation of the two stations substantiates the limited audiences attained by KXTX-TV in comparison to KTVT. CBN states that the net weekly circulation of KXTX-TV does not exceed 24 percent of the television households in any county in Texas, and notes that KXTX-TV achieves a net weekly circulation of between 5 and 24 percent in only 12 counties. By contrast, KTVT attains a net weekly circulation of over 50 percent in 37 counties, between 25 and 49 percent in 30 counties, and between 5 and 24 percent in an additional 23 counties. In sum, we are not persuaded that reference to the early fringe audience shares attained by specialty stations negates the conclusion drawn in the First Report and Order that specialty stations attract considerably smaller audiences than other commercial stations and that cable carriage of their entire program schedule would thus be unlikely to cause critically adverse impact to independent

stations licensed to the markets in which they are carried.

6. Pappas, licensee of Television Broadcast Station KMPH, Tulare, California, submits that in amending Section 76.59(d) (1) to permit free carriage of specialty stations and special format programming the Commission failed to consider the concomitant effect upon smaller market independent stations. Pappas notes that 22.5 percent of KMPH's program schedule consists of specialty programming and states that specialty programming supplies 20 percent of the station's advertising revenues. It contends that the losses that would result from cable carriage of competing specialty programming "cannot be tolerated." Pappas asserts that local independent stations already supply program diversity, and concludes that local smaller-market broadcasters will be faced with a substantial reduction in revenues if limitations are not placed on carriage of specialty stations. Pappas takes issue with the Commission's conclusion, at Paragraph 35 of the First Report and Order, *supra* at 457, that the microwave costs necessarily expended by most systems to receive specialty stations, coupled with their small potential audience, will naturally limit the number of such stations imported by cable systems. In this regard, Pappas points to the fact that Television Broadcast Station KTXL, Sacramento, California, is carried by microwave as far as North Dakota because of its schedule of all-night movies, and notes that satellite delivery of specialty programming may ultimately be undertaken by CBN. Pappas charges that once specialty program advertisers can reach their audience by cable, they will no longer advertise on local stations such as KMPH. Accordingly, Pappas proposes that the Commission modify the new Rules to permit the importation of specialty stations only where the carriage of specialty programming, or the income derived therefrom, accounts for less than five percent of the local television licensee's programming and/or revenues, and that there be no importation of specialty stations within a 55-mile radius of a local station not licensed to one of the fifty largest television markets.

7. Pappas' arguments largely reiterate those advanced previously and which we summarized at Paragraph 18 of the First Report and Order, *supra* at 449. Pappas errs in stating that the effect of the new Rules on small market independent broadcasters was not considered. At Paragraphs 34-37 of the First Report and Order, *supra* at 456-8, we determined that the number of distant specialty stations imported would likely be limited by costs of carriage and their small audience potential. We therefore adjudged that under ordinary circumstances most local broadcasters, regardless of the size of the market, would experience little if any economic impact from their carriage. Moreover, as we noted at Paragraph 4 above, we stated repeatedly that where unusual circumstances are shown to exist we will entertain petitions for special

relief. To the extent Pappas' arguments in this proceeding pertain directly to KMPH they are conclusory in nature.⁹ Nor do we agree with Pappas that the premises for allowing free carriage of specialty stations are faulty. Although we recognize that local independent stations do provide a measure of specialty programming, the stated aim of the instant proceeding has been to increase the amount of program diversity otherwise available. Neither do we concur that carriage of multiple distant specialty stations is likely to occur. As NCTA notes, a significant expenditure is made to construct microwave links to receive even one distant signal and each additional signal carried adds an incremental cost ranging from 1/3 to 1/2 the cost of receiving the first signal. Pappas has not demonstrated that cable operators would assume these costs to import programming substantially duplicated by local stations. Pappas' reference to the distant cable carriage of KTXL is inapposite; the all-night movies its carriage provides are not provided by other stations, local or distant, and are of considerably wider appeal to potential subscribers than typical specialty programming. Nor do we believe that Pappas has substantiated its concern that local stations will lose a significant source of revenue as a result of cable importation of distant specialty stations. In the first place, as CBN notes, religious specialty programming is almost never supported by advertising. Furthermore, as the Commission recognized at Paragraphs 25, 51-58 of the Report and Order in Docket No. 20487, FCC 75-1409, 57 FCC 2d 625, 632, 639-641 (1975), and as Pappas itself concedes elsewhere in its petition, the expansion of a station's coverage area by means of cable carriage is not significant to the income of the station. Pappas' fears respecting loss of revenues caused by CBN's ceasing to buy time on KMPH for presentation of its programs because of substituted reliance on either cable importation of distant specialty stations or direct satellite delivery of its programming, neither of which has occurred, are, like its other assertions on adverse economic impact, anticipatory and conclusory. If and when Pappas demonstrates that our new Rules have produced a critically adverse impact on KMPH, we will consider grant of special relief to Pappas. At this juncture, however, Pappas' unsupported allegations do not show either that special relief for KMPH, or modification of our Rules with respect to all or any market situations, is warranted.

8. SICC et al. maintain that permitting the unrestricted importation of distant

⁹ We note the pendency of Pappas' petition for special relief (CSR-962) wherein it requests the Commission to preclude further fragmentation of its audience by denying certification for cable carriage of distant signals in the Fresno market. We are, of course, prepared to grant any special relief which may be called for with respect to carriage of distant specialty stations as a result of that proceeding.

⁷ NCTA's survey omitted Lubbock County because it contends KXTX-TV receives a sufficient net weekly circulation in non-cable households to be considered significantly-viewed pursuant to § 76.5(k) of the Rules, and thus ought not to be considered a "distant" station. KXTX-TV is not listed as being significantly-viewed in Lubbock County in Appendix B of the Reconsideration of Cable Television Report and Order, FCC 72-530, 36 FCC 2d 324, 451 (1972). There is no independent station licensed to Lubbock, Texas.

⁸ In the remaining county there are two cable systems and only the smaller, accounting for approximately 7,000 of a total 19,600 subscribers, carries KTVT.

Spanish-language stations into markets served by local Spanish-language stations is contrary to the Commission's concern for the development of UHF and independent stations generally. It argues that the Commission does not protect Spanish-language stations from unlimited carriage of competing signals as it does English-language stations, and stresses that the Commission has failed to recognize that Spanish-language stations face particular difficulties because they compete for audiences with local and distant English as well as Spanish-language stations. SICC et al. argue that the Commission ought to focus on the potential impact of carriage of distant foreign-language stations in each market, and propose that importation of distant Spanish-language stations not be permitted where there is an existing or proposed local Spanish-language station.

9. SICC et al. largely reiterate arguments outlined at Paragraph 13 of the First Report and Order and addressed at Paragraph 24 therein, supra at 447 and 452, respectively. Nevertheless, to clarify the Commission's policy with respect to cable carriage of Spanish-language stations it may be appropriate to offer a brief summary. At Paragraph 96 of the Cable Television Report and Order, FCC 72-108, 36 FCC 2d 143, 180-181 (1972), the Commission determined that the added program diversity resulting from free carriage of stations broadcasting predominantly in a foreign language was in the public interest, and specified that, "where there is a local station broadcasting predominantly in a foreign language the added diversity provided by the carriage of distant foreign language stations will be permitted unless the local station demonstrates that such importation will adversely affect its ability to serve the public interest." In answer to SICC's petition for reconsideration of that portion of the Report and Order, the Commission stated that "[special relief] should serve to maintain the vitality of local foreign language services without general restrictions on the right of cable systems to distribute the programming of foreign stations." Paragraph 23, Reconsideration of Cable Television Report and Order, supra at 334-5 (1972). We noted in the First Report and Order that where cable carriage of distant Spanish-language programming has been shown to produce a critically adverse effect on a local Spanish-language station, relief has been granted. See e.g., *Big Valley Cablevision, Inc.*, FCC 73-1245, 44 FCC 2d 3 (1973), modifying FCC 73-187, 30 FCC 2d 642 (1973); *recons. denied* FCC 74-947, 48 FCC 2d 94 (1974), remanded for further proceeding, *Big Valley Cablevision, Inc. v. FCC*, Civil No. 74-1961, (D.C. Cir., January 12, 1976); see also *Athena Cablevision, FCC 76-491*, --- FCC 2d --- (1976). SICC has not, and does not now, offer evidence to show that the public interest requires modification of our policy with regard to foreign-language stations. Accordingly, its petition will be denied.

10. AMST maintains that, if the new Rules are not revoked in their entirety, the category of "religious" specialty programming ought at least to be eliminated. AMST maintains that what constitutes a "religious" program is not easily defined and that Section 73.670(d)(1), Note 1(e) of the Rules does not provide definitive guidelines.¹⁰ AMST fears that this lack of precision may lead to a station's erroneously being classified as a specialty station or to cable carriage of programming that is not actually religious programming.

11. We cannot subscribe to AMST's concerns. Our Rules definition of religious programming appears to be widely known and well-understood. AMST has adduced no instance wherein a broadcaster has misclassified a program and there is no reason to suppose that cable operators will not make equally correct judgments. AMST's argument that either broadcasters or system operators are liable to be mistaken about what constitutes religious programming is therefore suppositious and the likelihood of a significant problem developing appears slight. Moreover, should cable operators demonstrate an inability to accurately judge whether certain programs may be carried as religious specialty programs, the Commission has the means of resolving any individual problems that may arise.

12. AMST is further concerned that the the First Report and Order does not evince a determination by the Commission that cable systems will be required to cease carrying a specialty station if the amount of specialty programming broadcast falls below the definitional limits of § 76.5(kk). AMST cites Paragraph 41 of the First Report and Order, supra at 459-60, for the "possibility, if not the probability," that waivers for the continued carriage of erstwhile specialty stations will be granted and terms this "very disturbing." AMST also urges that certificates of compliance for carriage of specialty stations be granted for a period of no more than 12 months, at which time the system operator should be required to reapply for certification and show that the station still qualifies for carriage as a specialty station.

13. The Commission stated quite clearly in Paragraph 41 of the First Report and Order, supra, that "our aim is to assure that only those stations that are, and intend to remain, predominantly specialty-oriented are carried pursuant to this new rule." We intend that the carriage of any station ceasing to meet the definitional requirements of § 76.5(kk) shall be discontinued as soon as possible. Our provision for waiver simply preserves our flexibility to deal with atypical situations. These were enumerated to include instances wherein the amount

¹⁰ That Section defines religious programs as follows:

Religious programs * * * include sermons or devotionals; religious news; and music, drama, or other types of programs designed primarily for religious purposes.

of programming deleted is relatively insignificant, or the deletion is of very limited duration, and so forth. The fact that the possibility of ad hoc waiver was not foreclosed does not mean that such waivers will be routinely granted. Nor do we agree that certificates of compliance for carriage of specialty stations should be issued on the terms AMST suggests. We do not require periodic showings on the status of network and independent stations nor is carriage of these signals granted provisionally; AMST has not shown that specialty stations are more likely to undergo basic format changes than other types of stations. In view of the administrative burden that annual recertification would impose and in view of the fundamental policy favoring increased dissemination of diverse programming to the public, we believe it appropriate to cast on those who would seek to have such carriage discontinued the initial burden of notifying the Commission of changes affecting a station's specialty status. As NRB notes, the Commission's Rules presently provide adequate procedures for interested parties to call any changes affecting a station's specialty status to the attention of the Commission.

14. We indicated at Paragraph 40 of the First Report and Order, supra at 459, that disputes might arise as to which stations would and would not qualify for carriage as specialty stations. However, we note in the comments some apparent consensus as to which stations are in fact specialty stations. We therefore see no reason not to promulgate a list of stations which the Commission staff's analysis confirms to be specialty stations, and we have included such a list as Appendix A. Adoption of this list will also serve to accelerate the certification process. Hereafter, unopposed application for certificates of compliance, otherwise consistent with our Rules, in which carriage of one or more of the listed stations is proposed will be granted without the necessity of a further showing by the applicant that the station is in fact a specialty station. Objections to any of these stations' carriage as a specialty station may, of course, be made at any time to show that they no longer meet the definitional standards of § 76.5(kk). Applicants proposing to carry a station pursuant to either § 76.59(d)(1) or 76.61(e)(1) that is not listed in Appendix A will continue to bear the burden of proving, ab initio, that the station indeed qualifies for carriage as a specialty station.

15. Paragraph 40 of the First Report and Order was unspecific as to whether systems would be required to obtain a certificate of compliance to carry selected specialty programming only. To resolve this imprecision, we have determined to allow systems to add specialty programs without obtaining a certificate of compliance therefor. This is consistent with the approach followed in analogous situations wherein systems add selected programs pursuant to §§ 76.57(c), 76.59(d)(2) and (d)(3) and 76.61(d)(2)

and (d) (3) of the Rules and is consistent with our determination, at Paragraph 39 of the First Report and Order, supra, that instances of such carriage would likely be few and would engender no significant adverse effect on local stations.

In view of the foregoing and except as indicated in paragraph 15 above, the Commission finds that reconsideration of its action in adopting the First Report and Order in Docket No. 20553, FCC 76-189, 58 FCC 2d 442 (1976), would not be in the public interest.

Authority for the rule amendments adopted herein is contained in Sections 2, 3, 4 (i) and (j), 301, 303, 307, 308, 309, 315 and 317 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That the Petitions for Reconsideration filed by the Association for Maximum Service Telecasters, Inc., Pappas Television, Inc., and Spanish International Communications Corporation et al., are denied.

It is further ordered, That the Petition for Reconsideration, filed by the National Association of Broadcasters, is dismissed as untimely filed.

It is further ordered, Part 76 of the Commission's Rules and Regulations is amended, effective August 27, 1976, as set forth below.

(Secs. 2, 3, 4, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085, 1088, 1089; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309, 315, 317.)

Adopted: June 29, 1976.

Released: July 21, 1976.

FEDERAL COMMUNICATIONS
COMMISSION,¹¹
VINCENT MULLINS,
Secretary.

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 76.57(d) is added to read as follows:

§ 76.57 Provisions for systems operating in communities located outside of all major and smaller television markets.

(d) In addition to the television broadcast signals carried pursuant to paragraphs (a), (b) and (c) of this section, any television station while it is broadcasting a foreign language, religious or automated program. Carriage of such selected programs shall be only for the duration of the programs and shall not require prior Commission notification or approval in the certificating process.

2. Section 76.59(d) is amended, as follows:

§ 76.59 Provisions for smaller television markets.

(d) In addition to the television broadcast signals carried pursuant to paragraphs (a) through (c) of this section, any such cable television system may carry:

(1) Any specialty station and any station while it is broadcasting a foreign language, religious or automated program. Carriage of such selected programs shall be only for the duration of the programs and shall not require prior Commission notification or approval in the certificating process.

3. Section 76.61(e) (1) is amended, as follows:

§ 76.61 Provisions for first 50 major television markets.

(e) In addition to the television broadcast signals carried pursuant to paragraphs (a) through (d) of this section, any such cable television system may carry:

(1) Any specialty station and any station while it is broadcasting a foreign language, religious or automated program. Carriage of such selected programs shall be only for the duration of the programs and shall not require prior Commission notification or approval in the certificating process.

APPENDIX A

SPECIALTY STATIONS

This table lists the stations that meet the definitional qualifications of specialty stations prescribed in § 76.5(kk) of the Commission's Rules.

This listing is based on tabulations of the percentages of foreign-language, religious, and automated programming broadcast during the weeks May 8-14, 1976 and June 12-18, 1976. Program schedules were derived from TV Guide magazine for those weeks.

The first eight stations broadcast a predominance of foreign-language programming and were therefore also eligible for cable television carriage under former §§ 76.59(d) (1) and 76.61(e) (1) of the Commission's Rules.

Call letter and channel No.	City of license
KEMO-TV (20)-----	San Francisco, Calif.
KFTV (21)-----	Hanford, Calif.
KLOC-TV (19)-----	Modesto, Calif.
KMEX-TV (34)-----	Los Angeles, Calif.
KWEX-TV (41)-----	San Antonio, Tex.
WLTU (23)-----	Miami, Fla.
WNJU-TV (47)-----	Linden, N.J.
WXTV (41)-----	Paterson, N.J.
KDTV (60)-----	San Francisco, Calif.
KHOF-TV (30)-----	San Bernardino, Calif.
KLXA-TV (40)-----	Fontana, Calif.
KMXN-TV (23)-----	Albuquerque, N. Mex.
KPAZ-TV (21)-----	Phoenix, Ariz.
KWHY-TV (22)-----	Los Angeles, Calif.
KXTX-TV (39)-----	Dallas, Tex.
WANC-TV (21)-----	Asheville, N.C.
WBTV-TV (68)-----	Newark, N.J.
WCFC (38)-----	Chicago, Ill.
WCIU-TV (26)-----	Chicago, Ill.
WGSB-TV (16)-----	Greenville, S.C.
WHAE-TV (46)-----	Atlanta, Ga.
WHCT-TV (18)-----	Hartford, Conn.
WHKY-TV (14)-----	Hickory, N.C.
WHMB-TV (40)-----	Indianapolis, Ind.
WKID (51)-----	Fort Lauderdale, Fla.
WYAH-TV (27)-----	Portsmouth, Va.

[FR Doc.76-21376 Filed 7-22-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

Cape Fur Seal Management; Waiver of the Moratorium

On February 19, 1976, the Director, National Marine Fisheries Service published: (1) A decision to waive the moratorium imposed by the Marine Mammal Protection Act of 1972, 16 U.S.C. 1361 et seq., to allow the importation of up to 19,180 skins of Cape fur seals harvested from each annual harvest commencing with the 1975 harvest within the Republic of South Africa, and (2) regulations to govern the waiver (41 FR 7510-7512 and 7537-7540).

The waiver provides for an annual review of the South African management program and a number of activities conducted thereunder. The annual review permits the Director to review relevant information and make a determination as to whether the conditions upon which the waiver was granted continue to exist, in which case a continuation of the waiver would be warranted.

In connection with the annual review for 1976, the Director has requested and has received information from the Government of the Republic of South Africa regarding, among other things, the management program, research results, 1976 harvest plans, and any changes in South African laws, regulations, or concession agreements.

This information is available for review in the Office of Marine Mammals and Endangered Species, Room 426, Page Building 2, 3300 Whitehaven Street, NW., Washington, D.C.

The information has also been forwarded to the Marine Mammal Commission. Upon review of the information provided by the Government of South Africa, the comments from the Marine Mammal Commission and any comments from the Public, the Director will decide whether conditions in South Africa warrant continuation of the waiver. The Director's decision will be published in the FEDERAL REGISTER. In the event conditions warrant modification of the waiver or the regulations which implement it, a proposal to amend the waiver and/or the regulations will be published in the FEDERAL REGISTER initiating the appropriate rulemaking procedures.

The Director has received from the Fouke Company a petition to amend the waiver and regulations to allow for an annual harvest of 76,965 Cape fur seals rather than 70,000. The Director has not acted upon the petition and, prior to acting, will solicit comments from the public at this time. The petition and supporting affidavits are available in the Office of Marine Mammals and Endangered Species located at the address noted above. The Marine Mammal Com-

¹¹ Statements of Commissioners Lee and Hooks are filed with the original document.

mission has commented on the petition, and those comments are also available for public review.

Because a decision on the petition may, in part, involve consideration of information considered in the annual review, the Director's decision on the petition will be made at the conclusion of the annual review. At that time the Director will also take into consideration the views on the petition expressed by the public and the Marine Mammal Commission. If a decision is made to act favorably on the petition, in whole or in part, the appropriate rulemaking procedures will be initiated by publishing in the *FEDERAL REGISTER* notice of a proposed rulemaking. If the Director decides not to act on the petition, notice of that decision will be published simultaneously with the results of the annual review in the *FEDERAL REGISTER*.

Written data or views, on the information submitted for the 1976 annual review and the petition from the Fouke Co. should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235. Data or views received by August 11, 1976 will be considered by the Director.

Dated: July 21, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76-21508 Filed 7-22-76;8:45 am]

Title 7—Agriculture

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

Imported Fire Ant; Additions to Regulated Areas

The purpose of this docket is to list the additional areas regulated because of the spread of the imported fire ant.

This document amends the supplemental regulation which lists regulated areas for purposes of the Federal Imported Fire Ant Quarantine by:

1. Adding to the suppressive area Lauderdale County in Alabama.

2. Adding to the generally infested regulated areas all or parts of the following previously nonregulated counties: Colbert in Alabama; Calhoun and Miller in Arkansas; Barrow, Burke, Clarke, Forsyth, Greene, and McDuffie in Georgia; Lenoir in North Carolina; McCormick and Newberry in South Carolina; Bee, Bell, Blanco, Bowie, Camp, Falls, Freestone, Gillespie, Jim Wells, Milam, and Refugio in Texas.

3. Extending the regulated areas in the following previously regulated counties: Cherokee, Franklin, Lawrence, Marshall, and Morgan in Alabama; Bradley, Chicot, Columbia, Drew, and Lafayette in Arkansas; Cobb, Emanuel, Fulton, Gwinnett, Hancock, Jefferson, Morgan, Polk, Richmond, Screven, and Walton in Georgia; Bolivar, Lafayette, Sunflower, Tip-

pah, and Tishomingo in Mississippi; Columbus, Craven, Duplin, Jones, and New Hanover in North Carolina; Dillon, Edgefield, Fairfield, Hampton, Lee, Marion, and Sumter in South Carolina; and Burleson, Cherokee, Marion, Robertson, Tarrant, Upshur, Wilson, and Wood in Texas.

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.81-2 of the Imported Fire Ant Quarantine regulations, 7 CFR 301.81-2, as amended, the supplemental regulation designating regulated areas, 7 CFR 301.81-2a, is hereby amended as set forth below:

In § 301.81-2a relating to the States of Alabama, Arkansas, Georgia, Mississippi, North Carolina, South Carolina and Texas under generally infested area, either the entire description is changed or specific counties are redescribed or added and relating to Alabama under suppressive area a county is added to read as follows:

§ 301.81-2a Regulated areas; suppressive and generally infested areas.

ALABAMA

(1) Generally infested area.

Cherokee County. T. 10 S., R. 8 and 9 E.; T. 11 S., R. 8, 9, 10, 11, and 12 E.; T. 12 S., R. 8, 9, 10, 11, and 12 E.

Colbert County. S½, T. 5 S., R. 10, 11, 12, and 13 W.; SE¼, T. 5 S., R. 14 W.

Franklin County. The entire county.

Lawrence County. T. 4, 5, 6, 7, and 8 S., E½, R. 7 W.; T. 4, 5, 6, 7, and 8 S., R. 6 W.

Marshall County. T. 7 S., R. 1 E.; T. 8 S., R. 1, 2, and 3 E.; T. 9 S., R. 2, 3, and 4 E.; T. 10 S., R. 2, 3, 4, and 5 E.; T. 11 S., R. 3 E.

Morgan County. T. 4 S., R. 5 W.; T. 5 S., R. 4 and 5 W.; T. 6 S., R. 4 and 5 W.; and that portion of the county lying south of the north line of T. 7 S.

(2) Suppressive area.

Lauderdale County. Sec. 8, T. 1 S., R. 7 W.

ARKANSAS

(1) Generally infested area.

Ashley County. The entire county.
Bradley County. The entire county.
Calhoun County. T. 13, 14, 15 S., R. 13 W.; T. 14 S., R. 14 W.; and those portions of T. 13, 14, 15, 16 S., R. 12 W.; T. 16 S., R. 13 W.; T. 15, 16 S., R. 14 W. lying in Calhoun County.
Chicot County. The entire county.

Columbia County. That portion of the county lying north of the north line of T. 17 S. and east of the east line of R. 20 W.; W 1/2, T. 17 S., R. 20 W. and T. 17 S., R. 21 W.

Drew County. The entire county.

Lafayette County. That portion of the county lying east of the east line of R. 25 W.; Secs. 2, 3, 10, and 11, T. 20 S., R. 25 W.

Miller County. T. 15 and 16 S., R. 28 W.

Union County. The entire county.

GEORGIA

(1) Generally infested area.

Barrow County. That portion of the county in Georgia Militia District 316 south of U.S. Highway 29, excluding the corporate city limits of Auburn and Carl, Georgia.

Burke County. That portion of the county lying north of Brier Creek.

Clarke County. That portion of the county in Georgia Militia District 1467 outside the corporate city limits of Athens, Georgia.

Cobb County. That portion of the county lying within Georgia Militia Districts 1319, 1897, 1891, 895, 1395, 1900, 992, 1292, 1679, 897, 1568, and that portion of Georgia Militia District 898 lying within the corporate city limits of Marietta, Georgia.

Emanuel County. That portion of the county lying within Georgia Militia Districts 1748, 395, 50, 53, 57, 58, 1208, 1452, and 1502.

Forsyth County. That portion of the county lying within Georgia Militia Districts 879, 1276, and 795.

Fulton County. The entire county.

Greene County. That portion of the county lying within Georgia Militia Districts 142, 143, 145, 160, 161, 162, and 163.

Gwinnett County. The entire county.

Hancock County. The entire county.

Jefferson County. That portion of the county lying within Georgia Militia Districts 76, 78, 79, 82, 83, 85, 1460, 1593, and 1802.

McDuffie County. That portion of the county lying within Georgia Militia District 134.

Morgan County. That portion of the county lying within Georgia Militia Districts 278, 279, 282, 283, 284, 285, 286, 396, 397, 400, and 1463 and that portion of Georgia Militia District 280 lying south and southwest of State road S. 1418.

Polk County. That portion of the county lying within Georgia Militia Districts 1075, 1079, 1223, 1469, and 1570.

Richmond County. The entire county except that portion lying within the Fort Gordon Military Reservation.

Screven County. The entire county.

Walton County. That portion of the county lying within Georgia Militia Districts 416, 417, 418, 419, 421, 502, 503, 559, and 1675.

MISSISSIPPI

(1) Generally infested area.

Bolivar County. T. 20 N., Rs. 6 and 7 W.; T. 21 N., Rs. 5, 6, and 7 W. and S½, T. 22 N., R. 6 W.

Lafayette County. That portion of the county lying south of the north line of T. 10 S.; T. 9 S., Rs. 1, 2 and E½, R. 3 W.; and T. 8 S., R. 1 W.

Sunflower County. T. 17 N., R. 4 W.; That portion of T. 17 N., R. 3 W., lying in the county; T. 18 N., R. 3 W.; T. 19 N., R. 5 W.; and T. 20 N., R. 5 W.

Tippah County. That portion of the county lying south of the north line of T. 4 S., and that portion of T., 3 S., R. 5 E. lying in the county.

Tishomingo County. That portion of the county lying south of the north line of T. 5 S.

NORTH CAROLINA

(1) Generally infested area.

Brunswick County. The entire county.

Carteret County. The entire county.

Columbus County. The entire county.

Craven County. That portion of the county bounded by a line beginning where State Secondary Road 1431 junctions with the Neuse River, thence north along said road to its junction with State Secondary Road 1433, thence northwest along said road to its junction with Highway 17, thence north along said highway to its junction with State Secondary Road 1618, thence northeast along said road to its junction with State Secondary Road 1617, thence west along said road to its junction with State Secondary Road 1620, thence north along said road to its junction with State Secondary Road 1611, thence east and south along said road to its junction with State Secondary Road 1612, thence east along said road to its intersection with Upper Broad Creek, thence southeast along said creek to its junction with the Neuse River, thence east and northeast along the Neuse River to the Craven-Carteret County line, thence southeast and west along said county line to its junction with the Craven-Jones County line, thence north along said county line to its junction with the Trent River, thence northeast and north along said river to its junction with the Neuse River, thence northwesterly across the Neuse River to the point of beginning.

Duplin County. That area bounded by a line beginning at the intersection of State Secondary Road 1704 and State Secondary Road 1705, thence northeast along State Secondary Road 1705 to its junction with the Duplin-Lenoir County line, thence southeast along said county line to its junction with the Duplin-Jones County line, thence southeast along said county line to its intersection with the Duplin-Onslow County line, thence south along said county line to its intersection with North Carolina Highway 24, thence west along said highway to its intersection with Cabin Creek, thence westwardly along said creek to its intersection with North Carolina Highway 111, thence northwest along said highway to its junction with State Secondary Road 1704, thence northeast along said road to the point of beginning.

Jones County. The entire county.

Lenoir County. That portion of the county bounded by a line beginning at a point where State Secondary Road 1165 intersects the Lenoir-Duplin County line, thence east along said road to its intersection with State Secondary Road 1111, thence south along said road to its junction with State Secondary Road 1112, thence east along said road to its junction with North Carolina Highway 11, thence north along said highway to its junction with State Secondary Road 1116, thence east along said road to its junction with U.S. Highway 258, thence south along said highway to its intersection with State Secondary Road 1105, thence east of said road to its intersection with the Jones-Lenoir County line, thence southwest along said county line to its junction with the Lenoir-Duplin County line, thence northwest and

north along said county line to the point of beginning.

New Hanover County. The entire county.

Onslow County. The entire county.

Pamlico County. That portion of the county located west and southwest of the Intra-Coastal Waterway.

Robeson County. That area bounded by a line beginning at a point where the Lumber River intercepts Interstate Highway 95, thence east and south along said river to the Columbus-Robeson County line, thence southwest along said county line and Lumber River to their intersection with the North Carolina-South Carolina State line, thence northwest along said State line to the Seaboard Coast Line Railroad, thence northeast along said railroad to its intersection with the Lumber River, thence southeast and east along said river to the point of beginning.

SOUTH CAROLINA

(1) Generally infested area.

Aiken County. That portion of the county bounded by a line beginning at a point where the Savannah River and the Aiken-Edgefield County line junction, thence northeast along said county line to its intersection with the South Fork Edisto River, thence southeast along said river to its junction with the Aiken-Barnwell County line, thence southwest along said county line to its intersection with U.S. Highway 278, thence west along said highway to its junction with State Primary Highway 28, thence west along said highway to its junction with the Savannah River, thence northwest along said river to the point of beginning.

Allendale County. That portion of the county bounded by a line beginning at a point where State Primary Highway 3 intersects the Allendale-Barnwell County line, thence east along said county line to its junction with the Salkehatchie River, thence southeast along said river to its junction with the Allendale-Hampton County line, thence southwest along said county line to its junction with the Southern Railway, thence north along said railway to its intersection with State Secondary Highway 47, thence northwest along said highway to its intersection with State Primary Highway 3, thence north along said highway to the point of beginning.

Bamberg County. The entire county.

Barnwell County. That portion of the county bounded by a line beginning at a point where State Primary Highway 39 intersects the South Fork Edisto River, thence east along said river to its junction with the Barnwell-Bamberg County line, thence south along said county line to its junction with the Barnwell-Allendale County line, thence west along said county line to its intersection with State Primary Highway 3, thence northeast along said highway to its junction with U.S. Highway 278, thence north along said highway to its junction with State Primary Highway 37, thence north along said highway to its junction with State Primary Highway 39, thence northeast along said highway to the point of beginning.

Beaufort County. The entire county.

Berkeley County. The entire county.

Calhoun County. The entire county.

Charleston County. The entire county.

Clarendon County. The entire county.

Colleton County. The entire county.

Darlington County. That portion of the county bounded by a line beginning at a point where State Secondary Highway 131 intersects the Darlington-Lee County line, thence extending easterly along State Secondary Highway 131 to its intersection with

State Secondary Highway 290, thence easterly along said highway to its junction with U.S. Highway 401, thence northeasterly along said highway to its intersection with Jeffries Creek, thence southeasterly along said creek to its intersection with the Darlington-Florence County line, thence southwesterly along said county line to its intersection with Sparrow Swamp, thence northwesterly along said swamp to its junction with Newman Swamp, thence northwesterly along said swamp to its intersection with the Darlington-Lee County line, thence northerly along said county line to the point of beginning; that portion of the county bounded by a line beginning at a point where U.S. Highway 15 intersects the Great Pee Dee River, thence southerly along said river to its junction with the Darlington-Florence County line, thence southwesterly along said county line to its intersection with U.S. Highway 52, thence northwest along said highway to its intersection with State Primary Highway 34, thence northeast along said highway to its junction with State Secondary Highway 133, thence north along said highway to its junction with U.S. Highway 15, thence northeast along said highway to the point of beginning, excluding the town of Society Hill.

Dillon County. That portion of the county bounded by a line beginning at a point where State Primary Highway 34 intersects the Dillon-Marlboro County line, thence northwesterly along said highway to its junction with State Secondary Highway 28, thence northeasterly along said highway to its junction with State Primary Highway 9, thence northeasterly along said highway to its intersection with State Secondary Highway 23, thence northeasterly along said highway to its intersection with the Little Pee Dee River, thence southeasterly along said river to its intersection with U.S. Highway 301, thence southwesterly along said highway to its intersection with the Dillon, South Carolina City limits, thence east and south along said city limits to its intersection with State Primary Highway 57, thence south along said highway to its junction with State Secondary Highway 46, thence south along said highway to its junction with State Secondary Highway 92, thence southwest along said highway to its intersection with the Dillon-Marion County line, thence southwesterly, northwesterly, and northeasterly along the Dillon County line to the point of beginning.

Dorchester County. The entire county.

Edgefield County. That portion of the county bounded by a line beginning at a point where State Primary Highway 23 intersects the Edgefield-McCormick County line, thence east along said highway to its intersection with State Secondary Highway 10, thence southeast along said highway to its junction with U.S. Highway 25, thence southeast along said highway to its junction with State Primary Highway 19, thence southeast along said highway to its intersection with the Edgefield-Aiken County line, thence southwest along said county line to its junction with the Savannah River, thence northwest along said river to its junction with the Edgefield-McCormick County line, thence north along said county line to the point of beginning.

Fairfield County. That portion of the county lying south of a line beginning at a point where State Primary Highway 34 intersects the Broad River, thence east along said highway to its junction with State Primary Highway 200, thence east along said highway to its junction with State Secondary Highway 41, thence east along said highway to its intersection with Little Wateree Creek, thence northeast along said creek to its junction

tion with the Fairfield-Lancaster County line, where the line ends.

Florence County. That portion of the county bounded by a line beginning at a point where the Lynch River junctions with the Florence-Darlington County line, and extending northeasterly and southeasterly along the Florence County line to its intersection with U.S. Highway 301, thence west along said highway to its junction with State Primary Highway 327, thence southerly and southwesterly along said highway to its junction with U.S. Highway 52, thence south along said highway to its junction with State Primary Highway 541, thence westerly along said highway to its intersection with State Primary Highway 403, thence northwesterly along said highway to its intersection with the Florence-Sumter County line, thence northeast along said line to its junction with the Lynch River, thence northwesterly along said river to the point of beginning.

Georgetown County. The entire county.

Hampton County. The entire county.

Horry County. The entire county.

Jasper County. The entire county.

Kershaw County. That portion of the county lying west and south of a line beginning at a point where the Kershaw-Lancaster County line junctions with State Secondary Highway 58, thence southerly along said highway to its junction with U.S. Highway 521, thence southerly along said highway to its intersection with State Primary Highway 34, thence easterly along said highway to its intersection with the Kershaw-Lee County line, where the line ends.

Lee County. That portion of the county bounded by a line beginning at a point where State Primary Highway 34 intersects the Lee-Kershaw County line, thence easterly along said highway to its intersection with the Lee-Darlington County line, thence southerly along said county line to its intersection with U.S. Highway 401, thence southwest along said highway to its intersection with State Primary Highway 341, thence northwest along said highway to its junction with State Secondary Highway 34, thence westerly along said highway to its junction with U.S. Highway 15, thence southwesterly along said highway to its junction with State Primary Highway 441, thence southwesterly along said highway to its junction with State Secondary Highway 25, thence northwesterly along said highway to its intersection with the Lee-Kershaw County line, thence northeast along said line to the point of beginning.

Lexington County. That portion of the county lying east of a line beginning at a point where the Lexington-Richland County line intersects State Primary Highway 6, thence south along said highway to its junction with State Primary Highway 215, thence south along said highway to its intersection with the Lexington-Aiken County line, where the line ends.

Marion County. That portion of the county bounded by a line beginning at a point where the Great Pee Dee River junctions with the Marion-Dillon County line, thence northeasterly along said county line to its intersection with U.S. Highway 501, thence southerly along said highway to its intersection with State Primary Highway 41A, thence south along said highway to its junction with State Secondary Highway 9, thence southwest along said highway to its junction with State Secondary Highway 34, thence northwest along said highway to its junction with State Secondary Highway 25, thence northeast along said highway to its intersection with U.S. Highway 76 By-pass, thence northwest along said highway to its junction with U.S. Highway 76, thence northwesterly along said highway to its intersection with the Great Pee Dee River, thence

northerly along said river to the point of beginning; that portion of the county lying south of U.S. Highway 378.

Marlboro County. That portion of the county lying south of a line beginning at a point where the Three Creek junctions with the Great Pee Dee River, thence northeasterly along said creek to a point where its south fork intersects State Secondary Highway 18, thence southeast along said highway to its junction with State Secondary Highway 299, thence southeasterly along said highway to its intersection with the Marlboro-Dillon County line, where the line ends.

McCormick County. That portion of the county bounded by a line beginning at a point where U.S. Highway 221 intersects the Savannah River, thence northeast along said highway to its junction with State Primary Highway 28, thence southeast along said highway to its junction with State Secondary Highway 88, thence northeast along said highway to its intersection with the McCormick-Edgefield County line, thence southeasterly and southwesterly along said county line to its junction with the Savannah River, thence northwesterly along said river to the point of beginning.

Newberry County. That portion of the county bounded by a line beginning at the intersection of Cannons Creek and U.S. Highway 176, thence east along said creek to its junction with the Broad River, thence south along said river to its junction with the Newberry-Richland County line, thence southwest along said county line to its intersection with U.S. Highway 176, thence northwest along said highway to the point of beginning.

Orangeburg County. The entire county.

Richland County. The entire county.

Sumter County. The entire county.

Williamsburg County. That portion of the county bounded by a line beginning at a point where the Seaboard Coast Line Railroad intersects the Williamsburg-Florence County line, thence southwest along said railroad to its intersection with U.S. Highway 521, thence southeasterly along said highway to its junction with State Secondary Highway 30, thence northeast along said highway to its junction with State Secondary Highway 254, thence northeasterly along said highway to its intersection with State Primary Highway 527, thence southeasterly along said highway to its junction with State Secondary Highway 383, thence northeast and east along said highway to its intersection with the Seaboard Coast Line Railroad, thence northeasterly along said railroad to its intersection with State Primary Highway 512, thence southeast along said highway to its intersection with the Williamsburg-Georgetown County line, thence in a clockwise direction along the Williamsburg County line to the point of beginning.

TEXAS

(1) Generally infested area.

Anderson County. That portion of the county bounded by a line beginning at the point where U.S. Highway 287 intersects U.S. Highway 84, thence easterly along said highway to the Anderson-Cherokee County line, thence southeasterly along said county line to its junction with the Anderson-Houston County line, thence westerly along said county line to its intersection with U.S. Highway 287, thence northwesterly along said highway to the point of beginning, including all of the city of Palestine and all of the town of Elkhart.

Angelina County. The entire county.

Atascosa County. That portion of the county bounded by a line beginning where Atascosa County line intersects the Medina County line, thence southeasterly along the

Atascosa County line to its junction with Texas Highway 97, thence southwesterly along said highway to its intersection with Texas Highway 16, thence north along said highway to its junction with Texas Highway 173, thence northwesterly along said highway to its intersection with the west boundary line of Atascosa County, thence north along said boundary line to the point of beginning, excluding the cities of Pleasanton and Jourdanton.

Austin County. The entire county.

Bandera County. That portion of the county bounded by a line beginning at a point where Texas Highway 16 intersects the Bandera-Kerr County line, thence southeasterly along said county line to its junction with the Bandera-Kendall County line, thence southeasterly along said county line to its junction with the Bandera-Bexar County line, thence southwesterly along said county line to its junction with the Bandera-Medina County line, thence southwesterly, westerly, northerly, and westerly along said county line to its intersection with Farm to Market Road 689, thence northerly along said road to its intersection with Texas Highway 16, thence northwesterly along said highway to the point of beginning, including the entire towns of Bandera and Medina.

Bee County. That portion of the county bounded by a line beginning at a point where State Highway 359 junctions with U.S. Highway 181, thence southeasterly along said highway to its intersection with the Bee-San Patricio County line, thence westerly along said county line to its intersection with State Highway 359, thence northeasterly along said State Highway to the point of beginning, but excluding the city of Tynan.

Bell County. That portion of the county lying east of a line beginning at a point where State Highway 317 intersects the Bell-McLennan County line, thence southwesterly along said highway to its junction with Interstate 35, thence southwesterly along Interstate 35 to the Bell-Williamson County line, including the city of Belton.

Bexar County. The entire county.

Blanco County. That portion of the county lying south of a line beginning at a point where the Blanco-Gillespie County line is intersected by U.S. Highway 290, thence easterly along said highway to its merger with U.S. Highway 281, thence southerly along U.S. Highway 281/290 and continuing southerly along U.S. Highway 281 to its junction with Farm to Market Road 165, thence northeasterly along said Farm to Market Road to the Blanco-Hayes County line, but excluding the city of Johnson City.

Bowie County. That portion of the county bounded by a line beginning at a point where Farm to Market Road 2148 intersects Interstate Highway 30, thence easterly along said highway to its intersection with the Texas-Arkansas State line, thence southerly along said State line to its intersection with Sulphur River, thence northwesterly and westerly along said river to its intersection with U.S. Highway 59, thence northerly along said highway to its junction with Farm to Market Road 2148, thence northerly along said road to the point of beginning.

Brazoria County. The entire county.

Brazos County. The entire county.

Burleson County. The entire county.

Caldwell County. The entire county.

Calhoun County. That portion of the county bounded by a line beginning at a point where U.S. Highway 87 intersects the Calhoun-Victoria County line, thence easterly along said county line to its junction with the Calhoun-Jackson County line, thence easterly, southerly, and easterly along said county line to its junction with the Calhoun-Matagorda County line, thence southwesterly along said county line to its intersection with the Gulf Intercoastal

Waterway, thence southwesterly along said waterway to its junction with the south shore of Matagorda Bay, thence northwesterly along said shoreline to a point opposite the end of Farm to Market Road 2717, thence southerly along an imaginary line to said Farm to Market Road, thence southerly and southwesterly along said road to its junction with Texas Highway 316, thence northwesterly along said highway to its junction with Farm to Market Road 2541, thence westerly and northwesterly along said road to its junction with Texas Highway 35, thence easterly along said highway to its intersection with Farm to Market Road 2433, thence northwesterly along said road to its junction with U.S. Highway 87, thence northwesterly along said highway to the point of beginning.

Camp County. That area within a circle having a radius of 3 miles with the center at the intersection of loop 238 and State Highway 11.

Chambers County. The entire county.

Cherokee County. The entire county.

Collin County. The entire county.

Colorado County. The entire county.

Comal County. The entire county.

Dallas County. The entire county.

Denton County. The entire county.

De Witt County. That portion of the county bounded by a line beginning where Farm to Market Road 443 intersects the De Witt-Gonzales County line, thence northeasterly along said county line to its junction with the De Witt-Lavaca County line, thence southeasterly along said county line to its intersection with Farm to Market Road 1447, thence southwesterly along said road to its intersection with U.S. Highway 183, thence northerly along said highway to its junction with Farm to Market Road 443, thence northerly along said road to the point of beginning, excluding the city of Cuero and the town of Hochheim.

Ellis County. That portion of the county lying within the corporate limits of cities of Ennis and Ferris.

Falls County. That area within a circle having a radius of 3 miles with the center at the junction of the State Highway 7 and U.S. Highway 77.

Fayette County. The entire county.

Fort Bend County. The entire county.

Freestone County. That area within a circle having a radius of 3 miles with the center at the intersection of Farm to Market Road 80 and Main Street in the city of Teague.

Frio County. That portion of the county bounded by a line beginning at a point where Farm to Market Road 462 intersects the Frio-Medina County line, thence east along said county line to its junction with the Frio-Atascosa County line, thence south along said county line to its intersection with Farm to Market Road 140, thence westerly along said road to its intersection with Interstate Highway 35, thence northeasterly along said highway to its intersection with Farm to Market Road 462, thence northwesterly along said road to the point of beginning, including the entire towns of Pearsall and Moore.

Galveston County. The entire county.

Gillespie County. That portion of the county lying south of U.S. Highway 290 excluding the town of Fredricksburg.

Gonzales County. That portion of the county bounded by a line beginning at a point where Texas Highway 304 intersects the Gonzales-Caldwell County line, thence northeasterly along said county line to its junction with the Gonzales-Payette County line, thence southeasterly and southwesterly along said county line to its junction with the Gonzales-Lavaca County line, thence southwesterly along said county line to its intersection with U.S. Highway 90A, thence northwesterly along said highway to its junction with Texas

Highway 304, thence northerly along said highway to the point of beginning.

Grayson County. That portion of the county bounded by a line beginning at the point of intersection of Texas Highway 289 and Farm to Market Road 121, thence easterly along the latter road to its junction with Texas Highway 160, thence south along said highway to its intersection with the Grayson-Collin County line, thence west along said county line to its intersection with Texas Highway 289, thence northeasterly along said highway to the point of beginning, including all of the town of Van Alstyne, but excluding all of the town of Gunter.

Gregg County. The entire county.

Grimes County. The entire county.

Guadalupe County. The entire county.

Hardin County. The entire county.

Harris County. The entire county.

Harrison County. The entire county.

Houston County. The entire county.

Jackson County. The entire county.

Jasper County. The entire county.

Jefferson County. The entire county.

Jim Wells County. That area within a circle having a radius of 5 miles with the center at the intersection of State Highway 359 and U.S. Highway 281.

Kendall County. The entire county.

Kerr County. That portion of the county bounded by a line beginning at a point where Farm to Market Road 783 intersects the Kerr-Gillespie County line, thence east along said county line to its junction with the Kerr-Kendall County line, thence south along said county line to its junction with the Kerr-Bandera County line, thence northwesterly along said county line to its intersection with Texas Highway 16, thence northeasterly along said highway to its intersection with Texas Highway 27, thence northwesterly along said highway to its junction with Farm to Market Road 783, thence northerly along said road to the point of beginning and including all of the city of Kerrville.

Lavaca County. The entire county.

Leon County. That portion of the county lying south of Texas Highway 7, but excluding the towns of Marquez and Centerville.

Liberty County. The entire county.

Limestone County. That portion of the county included in a block four miles wide with Texas Highway 14 as its center line and running in a northeasterly direction from the Limestone Falls County line to the Limestone-Freestone County line and including the towns of Kossa, Thornton, Groesbeck and the city of Mexia.

Madison County. The entire county.

Marion County. That portion of the county lying east of U.S. Highway 59, including the city of Jefferson.

Matagorda County. The entire county.

Medina County. That portion of the county bounded by a line beginning at a point where Texas Farm to Market Road 689 intersects the Medina-Bandera County line, thence easterly, southerly, and northeasterly along said county line to its junction with the Medina-Bexar County line, thence south along said county line to its junction with the Medina-Frio County line, thence west along said county line to its intersection with Texas Farm to Market Road 462, thence northwest and north along said road to its intersection with U.S. Highway 90, thence east along said highway to its junction with Texas Farm to Market Road 689, thence northerly along said highway to the point of beginning, excluding the towns of Yancey and Hondo.

Milam County. The entire county.

Montgomery County. The entire county.

Nacogdoches County. The entire county.

Navarro County. That area within a circle having a radius of 3 miles with the focal point at the intersection of Texas Highway 31 and Farm to Market Road 1129.

Newton County. The entire county.

Nueces County. The entire county.

Orange County. The entire county.

Panola County. The entire county.

Polk County. The entire county.

Refugio County. That portion of the county bounded by a line beginning at a point where the San Antonio River intersects the meeting point of the Gollad, Victoria, Refugio County lines, thence easterly along the said river to its intersection with State Highway 35, thence southerly along said highway to its intersection with Farm to Market Road 774, thence westerly along said road to its junction with U.S. Highway 77, thence northerly along said highway to its junction with U.S. Highway 183, thence northwesterly along said highway to its intersection with Gollad-Refugio County lines, thence northeasterly along said county line to the point of beginning but excluding the cities of Refugio and Tivoli.

Robertson County. The entire county.

Rusk County. The entire county.

Sabine County. The entire county.

San Augustine County. The entire county.

San Jacinto County. The entire county.

San Patricio County. The entire county.

Shelby County. The entire county.

Smith County. The entire county.

Tarrant County. That portion of the county lying east of a line beginning at a point where Farm to Market Road 718 intersects the Tarrant-Wise County line, thence southeasterly along said road to its junction with State Highway 496, thence southerly along said highway to its intersection with Interstate Highway 35-W, thence southerly along said highway to its intersection with the Tarrant-Johnson County line, including that portion of the city of Ft. Worth lying east of the above described line.

Wilson County. That portion of the county bounded by a line beginning at a point where Farm to Market Road 535 intersects the meeting point of the Atascosa Bexar-Wilson County lines, thence northeasterly along the Bexar-Wilson County line to its junction with Cibola Creek, thence southerly along said creek to its intersection with Farm to Market Road 775, thence westerly along said road to its junction with U.S. Highway 87, thence southeasterly along said highway to its junction with Texas Highway 97, thence southwesterly along said highway to its intersection with U.S. Highway 181, thence southerly along said highway to its intersection with Farm to Market Road 541, thence westerly along the said highway to its intersection with the Atascosa-Wilson County line, thence northwesterly along said line to the point of beginning excluding the city of Floresville and Poth and the towns of LaVerna and Sutherland Springs.

Trinity County. The entire county.

Tyler County. The entire county.

Upshur County. That portion of the county lying south of a line beginning at a point where State Highway 154 intersects the Wood-Upshur County line, thence easterly along said highway to its intersection with Farm to Market Road 726, thence northeasterly along said road to its intersection with the Upshur-Harrison County line, but excluding the city of Gilmer.

Victoria County. The entire county.

Walker County. The entire county.

Waller County. The entire county.

Washington County. The entire county.

Wharton County. The entire county.

Wood County. That portion of the county lying south of the city limits of Alba, State Highway 182 and State Highway 154, but excluding the cities of Alba and Quitman.

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33 (7 U.S.C. 161, 162, 150ee); 37 FR 28464, 28477 as amended; 38 FR 19141; 7 CFR 301.81-2, 39 FR 21117)

The Deputy Administrator of the Plant Protection and Quarantine Programs has determined that the imported fire ant has been found or there is reason to believe it is present in the civil divisions and parts of civil divisions listed as regulated areas or that it is necessary to regulate such areas because of their proximity to imported fire ant infestation or their inseparability for quarantine enforcement purposes from imported fire ant infested localities. Further, he has also determined that the areas designated as suppressive and generally infested areas eligible for such designation under § 301.81-1.

The Deputy Administrator has also determined that each of the quarantined States, wherein only portions of the State are designated as regulated areas, has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under the quarantine and regulations in this subpart, and that the designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the imported fire ant. Therefore, such civil divisions and parts of civil divisions listed above are designated as imported fire ant regulated areas.

This document imposes restrictions that are necessary in order to prevent the dissemination of the imported fire ant and should be made effective promptly to accomplish its purpose in the public interest. Also, it does not appear that additional information would be made available to the Department by public participation in rulemaking proceedings on this amendment. Accordingly, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date: This amendment shall become effective on July 23, 1976.

Done at Washington, D.C., this 19th day of July 1976.

T. G. DARLING,
Acting Deputy Administrator,
Plant Protection and Quarantine Programs.

[FR Doc.76-21230 Filed 7-22-76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Regulation 49]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period July 25-31, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.349 Lemon Regulation 49.

(a) *Findings.*—(1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is steady this week.

Average f.o.b. price was \$6.38 per carton the week ended July 17, 1976, compared to \$6.28 per carton the previous week.

Track and rolling supplies at 196 cars were down 18 cars from last week.

(ii) Having considered the recommendation and information submitted

by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 20, 1976.

(b) *Order.*—(1) The quantity of lemons grown in California and Arizona which may be handled during the period July 25, 1976 through July 31, 1976, is hereby fixed at 290,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 21, 1976.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-21573 Filed 7-22-76;8:45 am]

[Lime Reg. 27, Amdt. 4]

PART 911—LIMES GROWN IN FLORIDA
Container Regulation

This amendment to the current container regulation continues suspension of the use of 10-pound containers for the handling of fresh Florida limes during the period July 25 through August 28, 1976. Such suspension was scheduled to end July 24. The amendment continues to authorize the use of six containers with minimum content requirements of 20 pounds and 38 pounds net weight of limes.

On July 9, 1976, notice of rulemaking was published in the *FEDERAL REGISTER* (41 FR 28295) regarding a proposed amendment of the current container regulation (7 CFR 911.329; 38 FR 12323; 15726; 41 FR 15685; 19299) in effect pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. The proposal was submitted by the Florida Lime Administrative Committee (established pursuant to said amended marketing agreement and order). This is a marketing order program issued pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). No exception to said notice was filed.

The amendment reflects the Department's appraisal of present and prospective marketing conditions for limes. Production estimates indicate that supplies of limes will continue heavy through August 28. Supplies of limes will be larger than will be needed to supply demand in fresh market outlets, unless the demand for fresh limes, particularly in retail markets, continues to expand. The committee reports that trade reaction has been favorable during the initial period of suspension of the 10-pound containers. Limiting shipments to the larger 20- and 38-pound containers results in lower handling and marketing charges for a given volume of limes. Indications are that the lower packing and marketing charges enables lower f.o.b. prices and encourages larger per unit sales at attractive retail prices.

The committee reports that current retail lime prices are as low as 8-9 cents each. Such prices should encourage increased sales during the period of heaviest lime supplies. Hence, the action would contribute to orderly marketing of limes and be in the public interest.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the committee, and other available information, it is hereby found that the amendment hereinafter set forth is in accordance with the provisions of said amended marketing agreement and order; and such amendment will tend to effectuate the declared policy of the act with respect to effectuating orderly marketing in the public interest.

It is hereby further found that it is impracticable and contrary to the public

interest to give further notice and postpone the effective date of this regulation until 30 days after publication hereof in the *FEDERAL REGISTER* (5 U.S.C. 553), and good cause exists for making the provisions hereof effective as hereinafter set forth in that (1) shipments of the current crop of limes began on April 1, 1976, and heavy shipments of limes are now in progress, and this regulation should be applicable, insofar as practicable, to all such shipments in order to effectuate the declared policy of the act; (2) the recommendations upon which this regulation is based were developed by the committee at an open meeting on June 22, 1976; after due notice thereof, and all interested persons present were given an opportunity to express their views; (3) a notice of proposed amendment of the container regulation for Florida limes was published in the *FEDERAL REGISTER* (41 FR 28295); and (4) the amended container regulation herein specified is the same as the proposed regulation.

Order. The provisions of paragraph (a) (2) of § 911.329 (Lime Regulation 27; 38 FR 12323; 15726; 41 FR 15685; 19299) are hereby amended to read as follows:

§ 911.329 Lime Regulation 27.

(a) * * *

(2) During the period July 25, 1976, through August 28, 1976, no handler shall handle any variety of limes, grown in the production area, in containers having inside dimensions of 12 x 9½ x 3¼ inches and 12 x 9½ x 5 inches; *Provided*, That during such period and thereafter no handler shall handle between the production area and any point outside thereof any variety of limes, grown in the production area, in individual bags having a capacity of more than 4 pounds net weight of limes.

Dated: July 20, 1976, to become effective July 25, 1976.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-21401 Filed 7-22-76;8:45 am]

[Lime Reg. 8]

PART 911—LIMES GROWN IN FLORIDA
Limitation of Handling

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period July 25-31, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

§ 911.308 Lime Regulation 8.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order

No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of limes that may be marketed during the ensuing week stems from the production and marketing situation confronting the Florida lime industry.

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order. The committee further reports the fresh market demand for limes continues to weaken with a declining f.o.b. price level. Fresh shipments for the weeks ended July 17, 1976, and July 10, 1976, were 35,381 bushels and 31,843 bushels, respectively.

(ii) Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of limes which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the *FEDERAL REGISTER* (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Florida limes, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this section

effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 20, 1976.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period July 25, 1976, through July 31, 1976, is hereby fixed at 28,000 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as

when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).)

Dated: July 20, 1976.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-21509 Filed 7-22-76; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1033]

[Docket No. AO-166-A49]

MILK IN THE OHIO VALLEY MARKETING AREA

Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and To Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Ohio Valley marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by August 4, 1976. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as herein-after set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Columbus, Ohio, on May 4, 1976, pursuant to notice thereof which was issued March 30, 1976 (41 F.R. 14192).

No testimony was presented on the hearing notice proposal (No. 9) to reduce the monthly route disposition requirement for pooling a distributing plant from 50 percent to 45 percent in September-February and from 45 percent to 40 percent in March-August of a plant's total receipts. Accordingly, no action is taken on the proposal.

The material issues on the record relate to:

1. Payment procedures which would permit handlers to make payments to nonmember producers directly rather than through the market administrator.
2. Procedure for pooling a plant that qualified under the Ohio Valley order

and another order in the same month.

3. Modification of the pooling procedure to consider as one plant the operation of two or more distributing plants for purposes of pool qualification.

4. Inclusion of interplant transfers of packaged fluid milk products as a route disposition from the transferee-plant for purposes of determining such plant's status as a pool plant.

5. Classifying in Class III the skim milk and butterfat in products containing less than 6.5 percent nonfat milk solids.

6. Classifying in Class III the skim milk and butterfat in products in hermetically sealed containers.

7. Conforming changes.

This decision deals only with Issue No. 2. The remaining issues will be handled in a later decision.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

2. *Pooling a plant that qualified under Ohio Valley and another order in the same month.* The provisions for determining the status of a plant that qualifies as a pool plant under this and another order in the same month should not be changed on the basis of this record. Under present terms of the order a fully regulated plant under another Federal order which also meets the pooling standards of this order and which makes greater distribution in the Ohio Valley marketing area is not regulated under this order until the second consecutive month in which it makes such greater distribution.

A federation of cooperatives, which represent a substantial majority of producers under the order, proposed that a regulated plant under another Federal order that also qualifies as a pool plant under this order continue to be pooled under such other order unless its route disposition in the Ohio Valley marketing area was more than in the marketing area of the other order in the current month as well as in the two immediately preceding months. In effect, such a plant would not be pooled under this order until it had more sales in the Ohio Valley marketing area for three consecutive months (rather than the two consecutive month requirement now provided in the order).

In addition to proponent's testimony, the Kroger Company, which operates a plant in Indianapolis that has been qualifying as a pool plant in the same month under both the Indiana and Ohio Valley orders, supported the proposal. Cooperatives supplying Kroger's Indianapolis

plant, and which represent a substantial majority of producers under the Indiana order, also supported the proposal.

The proposal was made to implement the continued pooling of the Kroger plant in Indianapolis under the Indiana order where it has been pooled since inception of that order in 1961. In recent years, based on its route disposition in the marketing areas of the Indiana and Ohio Valley orders, it has qualified each month as a pool plant under both orders. In 1975, of the total route disposition from the plant, an average of 33.8 percent per month was made in the Indiana marketing area and 29.6 percent in the Ohio Valley marketing area. However, in some months (June 1975 and March and April 1976) its sales in the Ohio Valley marketing area were greater than in the Indiana marketing area. (Unofficial notice is taken of the fact that a proposed suspension notice was issued on June 22, 1976, for the month of July 1976. Because of opposition the action was not consummated, however. Thus, it is reasonable to presume that the plant also had greater sales in the Ohio Valley market in the month of June 1976 and anticipated greater sales there in July 1976.)

In June 1975, despite its greater sales in the Ohio Valley marketing area, the Kroger plant remained pooled under the Indiana order. This resulted because the Ohio Valley order does not pool such a plant until the second consecutive month in which sales in its marketing area are more than in the marketing area of the other order.

When more sales were made in the Ohio Valley marketing area than in the Indiana marketing area for two successive months, March and April 1976, the Kroger plant was pooled under the Indiana order in April as a result of suspension action under the Ohio Valley order. That action was taken by the Department at the request of cooperatives representing a substantial majority of the producers under both the Indiana and Ohio Valley orders.

The spokesman for Kroger stated that it watches closely the sales from the Kroger plant in both the Indiana and Ohio Valley marketing areas to insure the plant's continuing regulation under the Indiana order. He suggested that the greater sales in some months in the Ohio Valley marketing area were generally unexpected. The spokesman further stated that Kroger expected to monitor its sales more closely in the future to insure having more distribution each month from its Indianapolis plant into the Indiana marketing area than into the Ohio Valley marketing area. He urged, however, that the Ohio Valley pooling provisions be modified to require

that a plant have more sales in the Ohio Valley marketing area than in the marketing area of another order for three consecutive months before it becomes pooled under the Ohio Valley order. He held that this amendment was needed as an additional safeguard to insure the plant's continued pooling under the Indiana order.

The federation of cooperatives representing Ohio Valley producers and the cooperatives representing Indiana order producers contended that without such a requirement (three consecutive months of greater sales in the Ohio Valley marketing area for pooling a plant under the Ohio Valley order) the shifting back and forth between the two orders of the Kroger plant in Indianapolis would be disruptive to the maintenance of orderly marketing conditions.

Both the Ohio Valley and Indiana orders contain "Louisville plan" provisions with April-July the takeout months and September-December the payback months. If the Kroger plant were pooled under the Ohio Valley order in a single takeout month, the money thus withheld for producers supplying the Kroger plant in Indianapolis (and who are regularly associated with the Indiana market) would be included in the set aside under the Ohio Valley order. This, the cooperative claimed, would result in undue enhancement of the Louisville plan payback under the Ohio Valley order and, conversely, in an undue reduction of the payback under the Indiana order in the fall months. According to proponent cooperative, the aberration in producer prices in the takeout months under Louisville plans that would result under the Ohio Valley and Indiana orders would result in gross inequities to producers.

A Louisville plan is adopted to encourage a uniform milk supply throughout the year. In theory, it encourages increased production for the market in the months of seasonally low production and discourages production in the normal flush production months. This is accomplished by retaining specified amounts of pool proceeds during the flush production months for distribution to those producers delivering milk to the market during the short production months. No producer is required to associate with any designated plant or order in any specified month or months as a precondition for sharing in the takeout money for his deliveries under an order during the payback months. The fact that a producer (or group of producers) was associated with a particular market during some month(s) when a Louisville plan takeout was in effect and potentially would be associated with another market during the payback months is not an appropriate basis for predetermination of the order under which the plant to which he delivers his milk should be pooled.

Ideally, a plant should be pooled under that order regulating the market in which such plant had its greater sales during the month. In this way all handlers having their principal sales in a market are subject to the same prices and

other regulatory provisions as their main competitors.

Notwithstanding, it must be recognized that as a result of an unanticipated loss or gain of a sales outlet during a month a plant having essentially equal sales in two regulated markets could unintentionally and unavoidably shift regulation from one order to another. It is for this reason that lock-in provisions have been adopted so that when the shift in sales volume was totally unexpected, the handler operating the plant would have opportunity to take prompt remedial action to insure continuing regulation in the plant's normal market.

The present provisions in the Ohio Valley order prescribing the pooling of a plant that is also qualified under another order only after the second consecutive month in which it has greater sales in the Ohio Valley marketing area is a reasonable and appropriate basis for meeting this problem. A handler reasonably should be able to monitor his distribution on a day-to-day basis in situations where substantial sales are made in two markets. Under any circumstances he must be fully aware of his exact distribution pattern by the time of filing monthly reports of receipts and utilization, which in the Indiana and Ohio Valley orders are the 8th day and 6th day, respectively, after the end of the month. This provides reasonable time in the second month for a handler to adjust his business to protect against inadvertent pooling in other than his normal market. Except for the Kroger plant in Indianapolis, no plant qualified as a pool plant under the Ohio Valley order based on route disposition in the marketing area likewise qualifies in the same month as a pool plant under another order.

In addition to its Indianapolis plant, Kroger operates a plant at Springdale, Ohio, which has continuously been a fully regulated plant under the Ohio Valley order. It also operates fully regulated plants under the St. Louis-Ozarks, Southern Michigan and Texas orders. Milk from these plants is distributed over wide areas. It was gratuitously suggested at the hearing that the Indianapolis plant could be kept pooled under the Indiana order by transferring some route disposition in the Ohio Valley marketing area to the Springdale plant, thereby reducing its sales in the Ohio Valley marketing area relative to its sales in the Indiana marketing area.

The record is quite clear that Kroger is fully aware that its Indianapolis plant has had, and without appropriate controls prospectively will continue to have, the greater proportion of its sales in Ohio Valley in many months. Nevertheless, it wishes the plant to continue to be pooled in Indiana and has indicated it will take any necessary action to insure this end. It urges the adoption of the three-month provision in Ohio Valley in lieu of the present two months to implement its operations in this regard. This is not the kind of situation that the lock-in provision was adopted to accommodate.

It is recognized that the shifting of the Kroger plant back and forth between the two orders could be disruptive. Nevertheless, the precarious position of the plant in this regard is clearly evident to the handler and he has had reasonable time (since April 1976) to implement the operational adjustments that appropriately must be made to keep the plant pooled under the Indiana order.

It is readily apparent that the plant's primary sales area is increasingly in Ohio. Permitting the plant to remain pooled under the Indiana order until it had greater sales in each of three successive months under the Ohio Valley order could only implement manipulation of the operation on every third month to the end that even though the plant's sales were greater in the Ohio Valley market eight months of each year it nevertheless would remain pooled under the Indiana order. It cannot be concluded on the basis of this record that this plant, which prospectively will have more sales in the Ohio Valley market, is more appropriately associated with and should be pooled under the Indiana order, where it prospectively will have the lesser sales. Amendment of the order in the manner requested to better accommodate the handler in implementation of continuing regulation in Indiana would tend to undermine the integrity of regulation.

If, as seems apparent, it is the belief of Kroger and cooperatives supplying the Indiana and Ohio Valley markets that the Indianapolis plant should be pooled under the Indiana order notwithstanding its greater sales in the Ohio Valley market, then it is evident that some more appropriate means be found to accomplish this end. This necessarily would need to be more fully explored under another proceeding. In the meantime, since Kroger has indicated that it will monitor the distribution from its Indianapolis plant to insure that it has greater monthly sales in the Indiana marketing area than in the Ohio Valley marketing area, it is likely that the plant can continue to pool under the Indiana order under the existing provisions of the respective orders. The present Ohio Valley order provision (whereby the Indianapolis plant would be pooled under the Ohio Valley order only when its sales in the Ohio Valley marketing area exceeded those in the Indiana marketing area for two consecutive months) provides the necessary flexibility for Kroger to avoid unintentional pooling under the Ohio Valley order and at the same time provides appropriate safeguards to protect the interests of producers and pool plant operators under both orders.

Notwithstanding the above conclusion, the order language prescribing the conditions for pooling a plant qualified as a pool plant under Ohio Valley and another order in a month when more sales were made in the Ohio Valley marketing area should be clarified. Such a plant is now pooled under the Ohio Valley order only if it had more sales in the Ohio Valley marketing area than in the marketing area of the other order in both

the current month and the preceding month.

Under the order language, however, it could be construed that the greater sales referred to relates to the total combined sales of a two-month period rather than to sales in each month, respectively. The order language should be modified to make clear that the reference is to the greater fluid milk sales in each such month.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The party prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be

amended. The following order amending the order, as amended, regulating the handling of milk in the Ohio Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

In § 1033.56, paragraph (a) is revised as follows:

§ 1033.56 Plants subject to other Federal orders.

(a) Except as specified in § 1033.31 and in paragraph (b) of this section, the provisions of this part shall not apply to a distributing plant or a supply plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless the plant is qualified as a pool plant pursuant to § 1033.12 during the current month and the immediately preceding month and a greater volume of fluid milk products, except filled milk, is disposed of in each such month from such plant as route disposition in the Ohio Valley marketing area and to pool plants qualified on the basis of route disposition in the Ohio Valley marketing area than is disposed of from such plant as route disposition in the marketing area regulated pursuant to the other order and to plants qualified as fully regulated plants under such other order on the basis of route disposition in its marketing area.

Signed at Washington, D.C., on July 20, 1976.

WILLIAM T. MANLEY,
Deputy Administrator
Program Operations.

[FR Doc. 76-221400 Filed 7-22-76; 8:45 am]

Food and Nutrition Service

[7 CFR PART 210]

NATIONAL SCHOOL LUNCH PROGRAM

Reimbursement Payments

On December 29, 1975, there was published in the FEDERAL REGISTER (40 FR 59600) a proposed amendment to the regulations governing the National School Lunch Program. One of the proposals in the amendment was intended to clarify the assignment of reimbursement payments in relation to other resources.

All of the comments received on that proposal have been carefully considered. In order to accommodate the many diverse comments, substantial revisions have been made in the proposed regulation. Therefore, the Department is again publishing proposed rulemaking and inviting comments thereon.

Federal reimbursement is based on national average payments of a general cash-for-food assistance factor for all lunches served and special cash assistance factors for free and reduced price lunches. These factors are adjusted semi-annually to reflect changes in the cost of operating a school lunch program. In assigning per lunch reimbursement rates for a school, the State agency, or FNSRO

where applicable, must consider the need of the School Food Authority or school, and all resources available to it to meet this need.

The Conference Report which accompanied Pub. L. 94-105 (H.R. 4222) indicated that Congressional intent was for State agencies to have maximum flexibility in utilizing section 4 funds, State funds, and local resources in order to maintain the lowest possible lunch prices to participating children. Therefore, provisions of the current regulations requiring section 4 rate assignments to be at the national average level, when combined section 4 and section 11 rates for a free lunch exceed the national average factors or equal the cost of providing the lunch, have been deleted.

It is proposed that Federal and State assistance provided specifically for free and reduced price lunches, together with the reduced price charge, may not exceed the cost of producing the lunch.

Comments, suggestions, or objections are invited. In order to be assured of consideration, such comments, suggestions, or objections should be delivered to William G. Boling, Manager, Child Nutrition Programs, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, no later than August 23, 1976, or submitted by mail postmarked no later than that date. Communications should identify the regulation section and paragraph on which comments, etc., are offered. All written submissions received pursuant to this notice will be made available for public inspection at the Office of the Manager, Child Nutrition Programs, during the regular business hours (8:30 am to 5:00 pm) (7 CFR 1.27(b)).

The following changes are proposed:

1. In § 210.2, a new paragraph (n-3) is added to read as follows:

§ 210.2 Definitions.

(n-3) "Revenue" means the value of resources available to operate the lunch service, including cash funds (Federal, State, and local), and the value of goods and services contributed.

2. In § 210.11, paragraphs (e) and (f) are deleted, paragraphs (g) and (h) are redesignated as paragraphs (e) and (f), respectively, and paragraphs (b), (c), and (d) are revised to read as follows:

§ 210.11 Reimbursement payments.

(b) The maximum rates of reimbursement to be made by State agencies, or FNSROs where applicable, to School Food Authorities for general cash-for-food assistance and for special cash assistance shall be prescribed by the Secretary by July 1 of each fiscal year and by January 1 of each fiscal year in the notice of adjustments to the national average payment factors made in accordance with § 210.4(c) of this part. At the beginning of each school year and at the effective date of each semiannual adjustment, State agencies, or FNSROs

where applicable, should, within these maximum rates of reimbursement, initially assign rates of reimbursement at levels based on the anticipated cost of producing a meal, the anticipated revenue from all other sources, and the school food service operating balance. The assigned rates shall permit reimbursement for the total number of Type A lunches, including reduced price lunches and free lunches, from the general cash-for-food assistance funds and from the special cash assistance funds available under § 210.4 of this part to the State agency, or FNSRO where applicable.

(c) Based upon determination of need, State agencies, and FNSROs where applicable, shall have maximum flexibility in assigning rates of reimbursement from general cash-for-food assistance funds between schools and School Food Authorities. However, the State agency, or FNSRO where applicable, shall assign the same rate of reimbursement from general cash-for-food assistance funds for the lunches served by any school or School Food Authority to children at the full price and for lunches served by such school or School Food Authority to children free or at a reduced price. In addition to the assigned rate of reimbursement from general cash-for-food assistance funds, the State agency, or FNSRO where applicable, shall assign rates of reimbursement for free and reduced price lunches from special cash assistance funds, as applicable. The combined rates of reimbursement from general cash-for-food assistance and special cash assistance funds for each free or reduced price lunch are hereinafter referred to as the "per lunch reimbursement". For any school, or School Food Authority, the total of: (1) The per lunch reimbursement rates assigned for free and reduced price lunches, (2) State assistance provided specifically for free and reduced price lunches, and (3) An amount equal to the highest reduced price charge to the child per lunch, shall not exceed the per lunch cost of providing a Type A lunch during the school year.

(d) The financial management system of State agencies, or FNSROs where applicable, most positively demonstrate the objective of assigning and adjusting reimbursement rates based on a periodic review of the per lunch cost, levels of revenue, and operating balances as required in § 210.15 of this part. The financial management system of a State agency, or FNSRO where applicable, shall identify the need for variations between schools or School Food Authorities in the assigned rates of reimbursement from general cash-for-food assistance funds and special cash assistance funds for the particular type lunch.

3. § 210.15 is revised to read as follows:

§ 210.15 Review of operating balances.

State agencies, or FNSROs where applicable, shall periodically, at least once

each school year, conduct a review of operating balances reported by schools or School Food Authorities. If the operating balance exceeds three month's operating cost, the State agency, or FNSRO where applicable, shall establish and implement a plan of corrective action to improve the food service in the National School Lunch Program, or adjust the rates of reimbursement. Evidence of the action taken as a result of the review of excessive balances shall be maintained on file.

Dated: July 16, 1976.

JOHN DAMGARD,
Deputy Assistant Secretary.

[FR Doc.76-21164 Filed 7-22-76;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONE PROGRAM

Supporting Postloan Engineering Estimates

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), including the amendment thereto enacted by Public Law 93-32, REA proposes to issue a memorandum (File With REA Bulletin 320-14) to provide for the submission of an estimate of the postloan engineering costs (REA Form 506) with the Supplemental Loan Proposal, when postloan engineering services are to be performed by an engineering company affiliated with the borrower's corporation. On issuance of the proposed memorandum Appendix A to Part 1701 will be modified accordingly.

Persons interested in the contents of the proposed memorandum may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than August 23, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division, during regular business hours.

The text of the proposed memorandum is as follows:

FILE WITH REA BULLETIN 320-14

Subject: Supporting Postloan Engineering Estimates
To: REA Telephone Borrowers

When postloan engineering services are to be performed by an engineering company affiliated with the borrower's corporation, the postloan engineering requirement stated on REA Form 494, "Supplemental Loan Proposal Summary," is to be supplemented by an estimate on REA Form 506, "Statement of Engineering Fee—Telephone." A copy of Form 506 should be enclosed with the Supplemental Loan Proposal.

An executed REA Form 217, "Postloan Engineering Service Contract Telephone System Design and Construction," with an estimate on REA Form 506, are to be submitted to REA before the start of any postloan engineering activities. Any substantial difference between the estimate submitted with

Form 217 and that enclosed with the SLP must be explained.

Dated: July 14, 1976.

C. R. BALLARD,
Assistant Administrator.

[FR Doc.76-21073 Filed 7-22-76;8:45 am]

[7 CFR Part 1701]

RURAL TELEPHONE PROGRAM

Proposed Revision of REA Specification PE-39 for Filled Telephone Cables

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to revise REA Bulletin 345-67 to announce a change in requirements in REA Specification PE-39 for filled telephone cables. On issuance of REA Bulletin 345-67, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the revision to the specification may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than August 23, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the revised pages 11, 12, and 12a to REA Specification PE-39 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of revised REA Bulletin 345-67 announcing the revision of the specification is as follows:

REA BULLETIN 345-67

Subject: REA Specification PE-39 for Filled Telephone Cables

I. Purpose.—To announce issuance of revised pages 11, 12 and 12a of REA Specification PE-39 for Filled Telephone Cables.

II. General.—In order to improve the gopher resistance of the smaller sizes of filled cables when using the Alloy 194 shield material, the thickness has been increased for such sizes. When the Alloy 194 material is used as shield material for filled cables, the specification will now require the 7-mil thickness for the smaller pair and gauge sizes which include 6/19, 6/22, 12/22, 6/24, 12/24, 18/24, and 25/26. The 6-mil thickness of this same material will still be allowed for all sizes greater than the above-mentioned sizes. The revised requirements are reflected in the enclosed sheets consisting of pages 11, 12 and 12a. Pages 11 and 12 of REA Specification PE-39 dated December 1972 should be removed and replaced by the enclosed pages dated June 1976.

This change becomes effective September 1, 1976. All filled telephone cables supplied to REA projects bid or on orders placed by REA borrowers after September 1, 1976, must comply in all respects with REA Specification PE-39 including the change in shield material thickness reflected in the enclosed revised pages. This does not preclude the adoption of this change prior to the effective date.

III. Availability of Specification.—Copies of the revised pages to PE-39 will be furnished by REA upon request. Questions concerning the revised pages may be referred to the Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-3827.

Dated: July 14, 1976.

C. R. BALLARD,
Assistant Administrator.

[FR Doc.76-21074 Filed 7-22-76;8:45 am]

Rural Electrification Administration
[7 CFR Part 1701]
600 VOLT NEUTRAL-SUPPORTED
SECONDARY AND SERVICE DROP CABLES
Specification

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes REA Specification D-2, "Specification for 600 Volt Neutral-Supported Secondary and Service Drop Cables."

Persons interested in the proposed specification may submit written comments, data, or views to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than August 23, 1976.

The proposed REA Specification D-2 is as follows:

REA SPECIFICATION FOR 600 VOLT NEUTRAL-SUPPORTED SECONDARY AND SERVICE DROP CABLES

Dated accepted: _____, Spec. No. D-2
1 Scope.

1.1 This specification covers the requirements for secondary and service drop cables composed of one or more insulated conductors and one neutral conductor for use as the supporting member. These cables are for use on circuits not exceeding 600 volts phase to phase and at conductor temperatures not exceeding 90° C (194° F).

1.2 Conductor sizes of No. 4 AWG and larger copper, No. 2 AWG and larger aluminum, and No. 2 AWG and larger copper-clad aluminum are included.

2 General.

2.1 The cable shall meet all applicable provisions of the Insulated Power Cable Engineers Association (IPCEA) Publication S-66-524 "Cross-linked-thermosetting-polyethylene-insulated Wire and Cable for the Transmission and Distribution of Electrical Energy," except where such provisions conflict with the requirements of this publication.

2.2 The cable shall be suitable for normal secondary use at 349V or less to ground, or for corner grounded delta circuit use at 350V to 600V to ground.

3 Conductors.

3.1 Conductors shall be copper, aluminum or copper-clad aluminum as specified by the purchaser.

3.2 The neutral conductor shall be not more than two sizes (AWG) smaller than the phase conductors, and not smaller than No. 2 AWG aluminum or copper-clad aluminum or No. 4 AWG copper or copper-covered steel composite.

3.3 Copper conductors shall be Class B stranded annealed copper meeting all applicable requirements of Part 2 of IPCEA Publication S-66-524.

3.3.1 The neutral conductor shall be copper-covered steel composite as specified in Section 7.3.2.2 of Publication S-66-524.

3.4 Aluminum conductors shall be one of the following:

Class B stranded EC grade hard-drawn aluminum in accordance with the applicable provisions of ASTM (American Society for Testing and Materials) B 231.

Compact-round stranded aluminum in accordance with ASTM B 400.

3.4.1 The neutral conductor shall be ACSR or 6201 aluminum alloy as specified in Section 7.3.2.2 of IPCEA Publication S-66-524.

3.5 Copper-clad aluminum conductors shall be Class 10A annealed copper-clad

aluminum in accordance with the applicable provisions of ASTM B 566.

3.5.1 The neutral conductor shall be copper-covered steel composite as specified in Section 7.3.2.2 of IPCEA Publication S-66-524.

4 Strand separator.

4.1 Strand separator, when used, shall be opaque.

5 Insulation.

5.1 Conductor insulation shall be cross-linked polyethylene meeting all the requirements of Section 7.3.3.1 of IPCEA Publication S-66-524. The average thickness of insulation shall be not less than shown below:

Single conductor size	Average thickness of insulation	
	Normal secondary 349 V or less phase-to-ground	Corner grounded Delta 350 V to 600 V phase-to-ground
	Col. A	Col. B
No. 2 AWG.....	45 mil (1.143 mm)	60 mil (1.524 mm)
No. 14/0 AWG.....	60 mil (1.524 mm)	80 mil (2.032 mm)
225 to 500 kcmil.....	80 mil (2.032 mm)	95 mil (2.413 mm)

The minimum thickness of insulation shall be not less than 90 percent of these values.

5.1.1 For normal secondary use, the average insulation thickness shall be not less than those given in Column A.

5.1.2 For special secondary use such as corner grounded delta circuits, the average insulation thickness shall be not less than those given in Column B.

6 Identification.

6.1 The manufacturer's name shall be printed clearly on the surface at intervals not greater than 61 mm (2 feet).

7 Tests.

7.1 As part of a request for REA acceptance and listing of cable, the manufacturer shall include certified test data demonstrating compliance with this specification.

7.2 The manufacturer shall, on all orders of cable furnished under this specification, perform the routine test outlined in Section 7.3.5 of IPCEA Publication S-66-524.

8 Miscellaneous.

8.1 Watertight seals shall be applied to all cable ends at time of manufacture to prevent the entrance of moisture during transit or out-of-door storage.

Dated: July 16, 1976.

RICHARD F. RICHTER,
Assistant Administrator
Electric.

[FR Doc.76-21412 Filed 7-22-76;8:45 am]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Food and Drug Administration

[21 CFR Part 442]

[Docket No. 76N-0221]

STERILE CEFAZOLIN SODIUM

Proposed Revision of pH Values and Increase in Samples Submitted for Certification

The Food and Drug Administration (FDA) is proposing to amend the antibiotic drug regulations by (1) establishing pH limits for sterile cefazolin sodium reconstituted with lidocaine hydrochloride injection 0.5 percent U.S.P. (United States Pharmacopeia); (2) raising the lower pH limit for sterile cefazolin sodium in the regulation providing for the bulk drug product; and (3) increasing the number of samples to be submitted for certification testing of sterile cefazolin sodium. Interested persons have

until September 21, 1976, to submit comments.

The Commissioner of Food and Drugs has evaluated a request submitted in accordance with the antibiotic drug regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, regarding the use of lidocaine hydrochloride injection 0.5 percent U.S.P. as a diluent to be packaged in combination with sterile cefazolin sodium. Lidocaine hydrochloride is a local anesthetic that can be used in combination with other injectable drugs to reduce the discomfort of the injection.

The Commissioner concludes that the data supplied by the manufacturer concerning this combination package are adequate to establish its safety and efficacy. He therefore proposes that the regulations be amended to provide for its certification. Because the pH values obtained with the lidocaine diluent are higher than those obtained when the drug is reconstituted with the previously approved diluents, this action necessitates requiring an additional pH test to be performed on sterile cefazolin sodium reconstituted with lidocaine hydrochloride injection 0.5 percent U.S.P. and providing specifications for the pH limits therefor.

In addition, based on a review of certification data for the past several years, the Commissioner proposes to raise the lower pH limit from 4.0 to 4.5 for sterile cefazolin sodium after reconstitution with water.

Finally, the Commissioner proposes to amend the requirements concerning the number and size of samples of sterile cefazolin sodium to be submitted with a request for certification. The regulations currently require that if the batch is packaged for dispensing, the person requesting certification must submit 20 vials of sterile cefazolin sodium for sterility testing; and for all other tests, 12 vials, or if the vials contain less than 500 milligrams each, 16 vials. The Commissioner finds that this number of vials for tests other than sterility is inadequate to perform the necessary tests and assays. He proposes, therefore, to increase the requirement for tests other

than sterility to 15 vials, or if the vials contain less than 1 gram each, 24 vials.

The Commissioner has concluded that the proposed amendments are not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969. Consequently, the Commissioner finds that a detailed environmental impact assessment is not required. In general, the proposed amendments merely codify requirements that are well-known and are currently being met by the manufacturers of the antibiotic drugs being certified. At this time, the Commissioner sees no possible environmental impact from this proposed action. The Commissioner has also considered the inflation impact of the proposed regulation and no major inflation impact has been found, as defined in Executive Order 11821, OMB Circular A-107 and the Guidelines issued by the Department of Health, Education, and Welfare. A copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to him (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), the Commissioner proposes to amend Part 442 as follows:

1. In § 442.11a by revising paragraphs (a) (1) (vi) and (a) (3) (ii) (b) (1) to read as follows:

§ 442.11a Sterile cefazolin sodium.

(a) * * *

(1) * * *

(vi) Its pH in an aqueous solution containing 100 milligrams of cefazolin per milliliter is not less than 4.5 and not more than 6.0.

* * *

(3) * * *

(ii) * * *

(b) * * *

(1) For all tests except sterility: A minimum of 15 immediate containers, except if each contains less than 1.0 gram, a minimum of 24 immediate containers.

* * *

2. By revising § 442.211 to read as follows:

§ 442.211 Sterile cefazolin sodium.

The requirements for certification and the tests and methods of assay for sterile cefazolin sodium packaged for dispensing are described in § 442.11a, except for the following additional requirements if it is packaged with lidocaine hydrochloride injection 0.5 percent U.S.P.:

(a) The pH, when reconstituted and diluted to 100 milligrams per milliliter with lidocaine hydrochloride injection 0.5 percent U.S.P., is not less than 5.5 and not more than 7.0.

(b) In addition to the information required by § 442.11a (a) (3) (i), the following shall be submitted:

(1) The pH on the batch reconstituted with lidocaine hydrochloride injection 0.5 percent U.S.P.; and

(2) Results of tests and assays on the lidocaine hydrochloride injection 0.5 percent to show conformance with U.S.P. requirements.

Interested persons may, on or before September 21, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 16, 1976.

JEAN MANSUR,
Acting Assistant Director
for Regulatory Affairs.

[FR Doc. 76-21312 Filed 7-22-76; 8:45 am]

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Parts 1, 15, 17]

LARGE TRADER REPORTING SYSTEM

Proposed Revision and Amendments

The Commodity Futures Trading Commission is considering proposals to revise and amend its regulations pertaining to the large trader reporting system (1) to allow contract markets to report information contained on delivery notices in a form and manner approved by the Commission rather than file a copy of the delivery notice, (2) to allow futures commission merchants and foreign brokers to update information on computer printouts supplied by the Commission rather than submit reports as required in 17 CFR Part 17, and (3) to raise the reporting levels for the purpose of reports to the Commission filed by merchants, processors and dealers pursuant to 17 CFR Part 19. The Commission is soliciting the views of knowledgeable people concerning these changes and whether they should be adopted.

The large trader reporting system is an important part of the Commission's regulatory program. It serves as a basic tool for market surveillance in the detection and prevention of market congestion, price manipulation and distortion. The Commission is mindful, however, of the burden placed on the public in furnishing necessary information for effective market surveillance. The Commission therefore feels that as a part of its ongoing responsibility to the public, it should review its reporting system and where possible lessen the burden placed on the public by it. These proposed amendments are designed to lessen this burden.

It is proposed that § 1.42 of 17 CFR Part 1 be revised to allow contract markets to provide delivery notice information in a form and manner approved by the Commission and when so approved to

discontinue filing copies of each notice of delivery. This would in some instances involve supplying only summary information and/or information by means of data processing media.

Proposals to amend §§ 15.00(b), 15.01(c) and (d), and 15.03 of 17 CFR Part 15 would raise the levels at which reports will be required to be filed by merchandisers, processors and dealers pursuant to 17 CFR Part 19 of the regulations except for those reports dealing with cotton. For the most part, information obtained through these reports is useful to the Commission only when received from persons who hold or control futures market positions on either the long or the short side above current reporting levels. Reporting levels for such information are being adjusted upward to reflect this fact. It should be noted that cotton information from the Form 304 including that used as a basis for the Commission's "Cotton on Call" report and ownership of certificated stocks of cotton is essential to the Commission's surveillance efforts. Hence, it is proposed that the reporting level for 304 forms on cotton be retained at their current levels.

The proposal to amend § 17.03 of 17 CFR Part 17 would allow futures commission merchants and foreign brokers to submit information required by Part 7 of the regulations on computer printouts that the Commission will prepare and supply based on information those persons have previously submitted to the Commission. Section 17.03 already allows FCM's and foreign brokers to submit the required information on punched cards, magnetic tape or disc in a form and manner approved by the Commission. For many FCM's and foreign brokers, however, this alternative is impractical. Many could, however, update and return a Commission-supplied printout of the information they have already provided the previous day rather than completely fill out a new set of reports.

It is proposed that § 17.03 be further revised to require FCM's and foreign brokers who submit information on data processing media to also submit a printout of the information certified by the FCM or his designee as authentic. The Commission feels that this means for establishing accountability by the FCM for such information is necessary for effective enforcement of reporting requirements.

In consideration of the foregoing, the Commission hereby proposes the following revisions of and amendments to 17 CFR Parts 1, 15 and 17:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. It is proposed that § 1.42 of Part 1 of Chapter I of Title 17 of the Code of Federal Regulations be revised to read as follows:

§ 1.42 Delivery notice; filing of copy.

(a) Each contract market shall furnish or cause to be furnished promptly to the Commodity Futures Trading Commission a copy of each notice of deliv-

ery issued by any member thereof covering the delivery of any commodity on a futures contract market, and shall also furnish or cause to be furnished promptly to the Commodity Futures Trading Commission a record of all endorsements of the original notice of delivery shown in the order in which such endorsements were made.

(b) Any contract market may provide the required delivery notice information on compatible data processing punched cards, magnetic tapes, magnetic discs, or computer printouts provided that the format and coding structure and the information contained thereon have been approved in writing by the Commission. A computer listing of any information supplied via data processing media must also be provided and certified by an officer of the contract market to be complete and accurate.

PART 15—REPORTS—GENERAL PROVISIONS

2. It is proposed that § 15.00(b) of Part 15 of Chapter 1 of Title 17 of the Code of Federal Regulations be revised to read as follows:

§ 15.00 Definitions.

(b) "Reportable position" means:

(1) For purposes of reports required by Parts 17 and 18 and § 19.02 of Part 19 of this chapter, this term means any open contract position in any one future of any commodity on any one contract, which, at the close of the market on any business day, equals or exceeds the quantity fixed in § 15.03(a) for reporting purposes for the particular commodity.

(2) For the purpose of reports required by Part 19, with the exception of § 19.02 of this chapter, this term means an open contract position in any one future or all futures combined either gross long or gross short of any commodity on any one contract market, which, at the close of the market on any business day, equals or exceeds the quantity fixed in § 15.03(b) for reporting purposes for the particular commodity.

3. It is proposed that § 15.01(c) and (d) of Part 15 of Chapter I of Title 17 of the Code of Federal Regulations be amended to read as follows:

§ 15.01 Persons required to report.

(c) Traders who hold or control open contracts which equal or exceed the quantity fixed for reporting in § 15.03(a), as specified in Part 18 of this chapter.

(d) Merchants, processors, and dealers in certain commodities who hold or control open contracts in such commodities which equal or exceed the quantity fixed for reporting in §§ 15.03(a) and 15.03(b), as specified in Part 19 of this chapter. A merchant, processor, or dealer who is also a trader is, in addition, subject to Part 18 of this chapter.

4. It is proposed that § 15.03 of Part 15 of Chapter I of Title 17 of the Code of Federal Regulations be revised to read as follows:

§ 15.03 Quantities fixed for reporting.

(a) The quantities fixed for the purpose of reports filed under Parts 17 and 18 and § 19.02 of Part 19 of the chapter are as follows:

Commodity:	Quantity
Wheat ----- bushels	200,000
Corn ----- do	200,000
Oats ----- do	200,000
Rye ----- do	200,000
Barley ----- do	200,000
Flaxseed ----- do	200,000
Soybeans ----- do	200,000
Cotton ----- bales	5,000
Silver bullion ----- contract units	50
All other commodities ----- do	25

(b) The quantities fixed for the purpose of reports filed under Part 19, with this exception of § 19.02, of this chapter are as follows:

Commodity:	Quantity
Wheat ----- bushels	2,000,000
Corn ----- do	3,000,000
Oats ----- do	2,000,000
Rye ----- do	500,000
Barley ----- do	2,000,000
Flaxseed ----- do	2,000,000
Soybeans ----- do	3,000,000
Cotton ----- bales	30,000
Potatoes ----- carlots	300
Eggs ----- do	150

PART 17—REPORTS BY FUTURES COMMISSION MERCHANTS AND FOREIGN BROKERS

5. It is proposed that § 17.03 of Part 17 of Chapter I of the Code of Federal Regulations be revised to read as follows:

§ 17.03 Use of data-processing media.

Any futures commission merchant may provide the required series '01 information on compatible data processing punched cards, magnetic tapes, magnetic discs, or updated Commission-supplied computer printouts: *Provided*, That the format and coding structure used thereon have been approved in writing by the Commission. Information provided by means of data processing media must also be accompanied by a printout of the information certified by the futures commission merchant or his designee to be complete and accurate. When a Commission-supplied computer printout is updated it must be certified to be complete and accurate by the futures commission merchant or his designee.

All interested persons desiring to comment on these revisions of and amendments to the Commission's regulations should submit such comments in written form to the Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C., 20581, Attn: Secretariat. All comments submitted and received on or before August 27, 1976, will be considered by the Commission before taking action on these proposed revisions and amendments. All comments submitted to the Commission will be available for public inspection.

Issued in Washington, D.C. on August 20, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures
Trading Commission.

[FR Doc.76-21423 Filed 7-22-76; 8:45 am]

[17 CFR Parts 15, 17, 18, 19]

FUTURES COMMISSION MERCHANTS, FOREIGN BROKERS, NON-FCM CLEARING MEMBERS AND REPORTING TRADERS

Proposed Adoption of Rules Affecting Reporting Requirements

The Commodity Futures Trading Commission is considering the adoption of rules which would change the reporting requirements for futures market traders, futures commission merchants (FCM's), foreign brokers and clearing members who are not FCM's. The Commission is soliciting the views of knowledgeable persons concerning these changes and whether they should be adopted.

Recent amendments to the Commodity Exchange Act ("the Act") resulting from enactment of the Commodity Futures Trading Commission Act of 1974 make an adequate system of market surveillance more important than ever. These amendments provide the Commodity Futures Trading Commission the authority to seek injunctions to prevent violations of the Act and to direct contract markets to take action in emergency situations. An effective large trader reporting system is essential to the success of the Commission's enforcement and regulatory programs. It serves as a basic source of information in market surveillance for the detection and prevention of market congestion, price manipulation and distortion. It is also used to establish speculative limits in a commodity, change the level of existing limits and to monitor compliance with the limits the Commission has set to prevent unwarranted price movements.

Further, information derived from the reporting system is the basis for regulatory analysis and research. Commission economists use the reporting system data as a means to monitor the performance of futures markets for the various commodities and to develop more effective means to safeguard the markets. In addition, the data in aggregate form becomes a source of information for dissemination to the general public, especially those who use the futures markets. Both the research program and the public information program are slated for future expansion.

Sections 4g and 4i of the Commodity Exchange Act, 7 U.S.C. 6G and 6I, require FCM's, floor brokers and futures market traders to make such reports as are required by the Commission and are in accord with the rules and regulations of the Commission. Parts 15, 17, 18 and 19 of the regulations under the Act, 17 CFR Parts 15, 17, 18 and 19, specify the position levels at which such reports are required and the form and manner in which they are to be submitted.¹ Under

¹ Section 15.00(b), 17 CFR 15.00(b) defines a reportable position as "any open contract position in any one future of any commodity on any one contract market, which, at the close of the market on any business day, equals or exceeds the quantity fixed in 17 CFR 15.03(a) for reporting purposes for the particular commodity."

the current system of reporting, reporting levels are fixed in Part 15 of the regulations at specific quantities for each commodity, regardless of whether the future in which a position is carried is a maturing or a deferred future.³

Part 17 of the regulations requires, in part, that FCM's and foreign brokers file daily with the Commission a series '01 report showing positions, owned or controlled by each account carried by the FCM, that are at or above the specified reporting level for each commodity, 17 CFR 17.00. In addition, pursuant to 17 CFR 17.01, the FCM or foreign broker must provide identifying information about each account the first time that account is reported, showing:

- (1) The name and address of the account and the name of the person responsible for the direction of futures trading of that account;
- (2) The number assigned to that account by the FCM for purposes of reporting the account on series '01 forms;
- (3) The commodity in which the account is being reported for the first time;
- (4) The business or occupation of the person or firm for which the account is traded;
- (5) The kind of futures trading account, i.e., individual, house, foreign, etc.;
- (6) The name and address of any other person(s), if any, whose futures trading is controlled by the account; and
- (7) The name and address of any other person(s), if any, who has a financial interest in or guarantees this account or controls the trading of this account.

Part 18 of the regulations requires, in part, any futures market trader who holds or controls a reportable position in a commodity to file series '03 reports with the Commission on any day on which he has transactions in any future of a commodity, 17 CFR 18.00. The information required on the series '03 reports includes, *ibid.*:

- (a) *Open contracts.* The quantity of all open contracts, regardless of size, in each future of such commodity on all contract markets, broken down to show the quantity classified as hedging (as defined in § 1.3(z) of the regulations under the Act (17 CFR § 1.3(z)) and the quantity classified as speculative (including spreading or straddling);
- (b) *Purchases and Sales.* The quantity of each future of such commodity bought and the quantity sold on all contract markets;
- (c) *Deliveries and receipts.* The quantity of the commodity delivered and the quantity received, in fulfillment of such futures contracts on all contract markets;

Under § 18.04 the trader must also furnish to the Commission a "Statement

of Reporting Trader" which includes the following information:

- (a) The name, address, and telephone number of the reporting trader;
- (b) The principal business or occupation of the reporting trader;
- (c) The name and address of each person whose commodity futures account is controlled by the reporting trader;
- (d) The name and address of each person who controls, or has a financial interest in, or guarantees the account of the reporting trader;
- (e) The kind of commodity futures account, i.e., individual, joint, partnership, corporation, or other;
- (f) If the reporting trader is an individual or participant in a joint account, the name, address, and type of any organization in which he participates in the management or in which he has a financial interest, if that organization holds another futures trading account;
- (g) If the reporting trader is a partnership, the name and address of each partner, and the name of the partner who ordinarily places orders and files the required reports;
- (h) If the reporting trader is a corporation, the names and addresses of the person or persons who direct trading activities, and the names of all affiliate corporations (parent and subsidiaries) that trade in commodity futures; and
- (i) Signature by the trader personally. If the account is in the name of an organization, signature should be that of a partner, officer, or trustee of that organization.

In addition, under Part 19 merchandisers, processors and dealers in certain commodities and their products⁴ who hold a reportable futures position must file series '04 reports weekly with the Commission showing details of their cash commodity position. In accordance with 17 CFR 19.01, this will generally include:

- (1) The makeup of their fixed-price cash position * * *, and
- (2) Their unfixed-price purchase and unfixed-price sales commitments.

In view of the Commission's need for improved information on cash and futures positions, the burden placed on the public and the Commission by the present reporting system, and the redundancy, lack of timeliness, inaccuracy and unverifiability of some data which is received from FCM's, foreign brokers and reporting traders, the following major changes in the reporting system are being considered:

Discontinue the series '03 reports from large traders and obtain the essential information which is now collected on that report from other sources that can provide the data in a more useful form and in a more timely manner.

Retain the "Statement of Reporting Trader" (Form 40) for purposes of account aggregation and other informational needs but expand the form to obtain some of the information that would otherwise be lost by dropping the '03 report and to consolidate information currently received by other means. Form 40 updates would be required once a year.

³ Applicable to grains, including soybeans (17 CFR 19.01), potatoes (17 CFR 19.04), cotton (17 CFR 19.02), and eggs (17 CFR 19.03).

Institute a new report that would require traders who hold a reportable position in the maturing future of a commodity to report to the Commission during the month prior to the delivery period (1) their total cash position in such commodity and (2) that portion of their cash position which is in position and eligible for delivery. The exact nature of the information required on this form would be tailored to fit the specific surveillance needs of the CFTC for that commodity.

Alter the position levels at which FCM's are required to report the activities of traders on series '01 forms. The new levels would require information concerning each commodity, with particular regard to the difference in these needs in delivery months as opposed to non-delivery months. In many non-expiring futures it appears that the level should be higher than it is now. For the maturing future of most commodities the level would be lower than it is now. The established levels would be announced and held stable in order to avoid confusion.

Require FCM's and foreign brokers (1) to identify all accounts making and taking delivery of commodities and the lot being delivered and (2) to report this information daily to the Commission during the delivery period.

Urge and encourage all reporting persons to review their operational procedures for gathering data and to submit data to the Commission in machine readable form.

It should be emphasized that in addition to the routine reports specified in the regulations, section 4g and 4i of the Act and Part 21 of the regulations explicitly provide authority for the Commission to request, as the need arises, special reports from FCM's, clearing-houses, exchanges, foreign brokers and reportable traders.

The Commission is aware of the extent to which the reporting requirements directly affect the trading public and members of the futures market industry. Accordingly, the Commission is inviting all interested members of the public to express their views in written form to the Commission concerning the merits of the proposed changes to the reporting system and any suggestions they may have for further or different improvement. To the extent required by law or otherwise considered appropriate, the Commission may later publish for comment more specific proposals to implement these or other changes in the reporting system. All comments should be mailed or delivered to the Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C., 20581, Attention Secretariat. To assure consideration, comments should be submitted so as to be received no later than August 27, 1976.

Issued in Washington, D.C., on July 20, 1976.

By the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures
Trading Commission.

[FR Doc.76-21424 Filed 7-22-76; 8:45 am]

⁴ Section 15.03 specifies reporting levels for each commodity as follows:

Commodity:	Quantity
Wheat ----- bushels	200,000
Corn ----- do	200,000
Oats ----- do	200,000
Rye ----- do	200,000
Barley ----- do	200,000
Flaxseed ----- do	200,000
Soybeans ----- do	200,000
Cotton ----- bales	5,000
Silver bullion	
Contract units -----	50
All other commodities	
Contract units -----	25

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20879; RM-2615]

FM TABLE OF ASSIGNMENTS

Noncommercial Educational Channel;
Calif.

In the matter of amendment of § 73.507(a), Noncommercial educational FM Channel Assignments Under the U.S.-Mexico FM Broadcast Agreement, (Mission Viejo, California); Docket No. 20879; RM-2615.

Adopted: July 13, 1976.

Released: July 15, 1976.

1. The Commission herein considers a "Petition for Rule Making" filed on behalf of Saddleback Community College District, licensee of KSBK, Channel 203D, Mission Viejo, California (KBR), which requests the Commission to amend its present assignment of Channel 203 at Mission Viejo so as to allow the utilization of Class A rather than the existing Class D facilities.² A response opposing the "Petition for Rule Making" was submitted to Pomona College, licensee of KSPC, Channel 204, Claremont, California (KSPC). Since Mission Viejo is located within 199 miles of the U.S.-Mexican border, the proposed assignment of facilities requires the concurrence of the Mexican Government.

2. In support of its petition, KSBK asserts that the allocation of Class A facilities to Mission Viejo would be consistent with the Commission's policy of granting primary educational broadcast facilities to areas not presently served by such facilities, provided that the grant of such an assignment is technically feasible. KSBK contends that the engineering statement which it submitted demonstrates that the requested assignment meets minimum mileage separation requirements and is technically feasible. Further, KSBK says that a Class A facility operating on Channel 203 could not, because of other existing stations, be assigned to any community north of Mission Viejo. Moreover, it asserts that utilization of Class A facilities on Channel 203 in any community south of Mission Viejo would not provide service to as many people as the requested assignment. KSBK estimates that the total population with the 60 dBu and 70 dBu signal contours of a station operating with Class A facilities on Channel 203 at Mission Viejo would exceed 170,000 persons. At present, there are no noncommercial educational FM stations operating at greater than Class D facilities in either Mission Viejo or Orange County.

3. KSPC objected to KSBK's petition, claiming that if the allocation were made as requested, then KSPC and KSBK would be short-spaced and the signals

of KSPC and another nearby educational FM station would be "drowned out" in the Orange County area. KSPC's expressed fears appear to be premised on the belief that KSBK would utilize any new allocation of facilities at its present transmitter site: Such is not the case as KSBK's engineering report indicates that the transmitter site for a station operating with Class A facilities would be located 3.05 miles southwest of the present KSBK transmitter site. A staff engineering analysis indicates that with the use of such a location no short-spacing problems would result.

4. On the basis of the present record, it is our tentative belief that the Table of Assignments for noncommercial educational FM channels located within 199 miles of the U.S.-Mexican border should be amended in the manner requested by KSBK and we are therefore issuing this Notice of Proposed Rule Making to that effect. We emphasize the term "tentative," however, for the Commission is presently considering a series of significant policy questions³ involving the assignment of noncommercial educational FM channels, the resolution of which could conceivably require a result different than that which we are proposing here.

5. For the purpose of eliciting comments on whether such actions would benefit the public interest, the Commission proposes to amend the Table of Allotments for noncommercial educational FM channels located within 199 miles of the U.S.-Mexican border (Section 73.507(a) of the Commission's Rules) with regard to the community of Mission Viejo, California, as follows:

§ 73.507 [Amended]

	Channel No.	
	Present	Proposed
City:		
Mission Viejo, Calif.		203A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained below and are incorporated by reference herein.

7. Interested parties may file comments on or before August 27, 1976, and reply comments on or before September 16, 1976.

FEDERAL COMMUNICATIONS COMMISSION
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r); and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)

² See Notice of Proposed Rule Making in Docket No. 20735, 41 Fed. Reg. 16973, April 23, 1976.

³ Identification of the various issues to be considered can also be found in the Notice of Proposed Rule Making in Moorpark, CA., 41 Fed. Reg. 7428, February 3, 1976.

(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making above.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making above. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420 (d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 76-21377 Filed 7-22-76; 8:45 am]

¹ Public Notice of the filing of the petition was issued on November 17, 1975 (Rpt. No. 965).

² A Class D educational station is one operating with no more than 10 watts transmitter power output. See Section 73.504(b) (1) of the Commission's Rules.

POSTAL SERVICE

[39 CFR Part 111]

OFFICIAL MAIL

Reimbursement for Official Mail Service;
Extension of Comment Period

This notice extends the period for comments to the notice, published June 18, 1976 (41 FR 24726), proposing to revise and clarify postal regulations to reflect more accurately the scope of the statutory provisions concerning the collection of postage and fees for official mail service provided to executive and

judicial officers of the U.S. Government.

A Federal agency requested a two-week extension of the comment period in order to complete preparation of its comments on our proposal. The Postal Service decided to grant the request for an additional comment period, and thus the comment period is hereby extended to August 2, 1976. The original closing date was July 19, 1976.

(39 U.S.C. 401)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.76-21296 Filed 7-22-76;8:45 am]

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ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of

the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Louisiana State University, Museum of Zoology, Baton Rouge, Louisiana 70893; Gary Lynn Graham.

OMB NO. 43-11670

 DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		1. APPLICATION FOR (Indicate only one) ☐ IMPORT OR EXPORT LICENSE ☒ PERMIT													
2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: a. "Possess two bats (endangered species for short periods of time (less than 24 hours)." b. "Take above endangered bats when their collection represents significant extensions in the known geographical range of the species or, when death occurs during collection."		3. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION													
3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) Gary Lynn Graham Museum of Zoology Louisiana State University Baton Rouge, La. 70893 501-388-2855		4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <table border="1"> <tr> <td>MR. ☒ MRS. ☐ MISS ☐ MR.</td> <td>HEIGHT 6 ft.</td> <td>WEIGHT 170 lbs.</td> </tr> <tr> <td>DATE OF BIRTH 14 August 1951</td> <td>COLOR HAIR Brown</td> <td>COLOR EYES Hazel</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED 388-2855</td> <td colspan="2">SOCIAL SECURITY NUMBER 437-82-0765</td> </tr> <tr> <td colspan="3">OCCUPATION student, mammalogist</td> </tr> </table>		MR. ☒ MRS. ☐ MISS ☐ MR.	HEIGHT 6 ft.	WEIGHT 170 lbs.	DATE OF BIRTH 14 August 1951	COLOR HAIR Brown	COLOR EYES Hazel	PHONE NUMBER WHERE EMPLOYED 388-2855	SOCIAL SECURITY NUMBER 437-82-0765		OCCUPATION student, mammalogist		
MR. ☒ MRS. ☐ MISS ☐ MR.	HEIGHT 6 ft.	WEIGHT 170 lbs.													
DATE OF BIRTH 14 August 1951	COLOR HAIR Brown	COLOR EYES Hazel													
PHONE NUMBER WHERE EMPLOYED 388-2855	SOCIAL SECURITY NUMBER 437-82-0765														
OCCUPATION student, mammalogist															
5. ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT Graduate student working on master's degree under supervision of George H. Lowery, Jr., Director, Museum of Zoology, LSU.		NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.													
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED The collecting of bat fecal pellets, bats, and insects from the Fourch and Central Ouachita Mountains of mid-western Arkansas and adjacent Oklahoma.		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO (If yes, list license or permit number)													
8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO (If yes, list jurisdiction and type of document) Arkansas Scientific Collecting Permit No. 463 Oklahoma (being processed)		9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF													
10. DESIRED EFFECTIVE DATE June 1, 1976		11. DURATION NEEDED (16 months) through 1 Oct. 1977													
12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.12(a) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. 17.23 Zoological permit Part 17--Endangered Wildlife Subpart C--Endangered Wildlife Importation Permits															
CERTIFICATION I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.															
SIGNATURE (In ink) Gary L. Graham		DATE 12 April 1976													

the following evening. During this temporary storage, adequate water and protection will be maintained.

(4) The wildlife I am seeking has not already been removed from the wild.

(5) Should a bat of either species be preserved as a scientific specimen, it would be housed in the mammal specimen cases in the Museum of Zoology, Louisiana State University, Baton Rouge, Louisiana 70893.

(6) (i and iv) Each captured bat will first be weighed using a small Pescola scale and a plastic bag. It will then be stored in a "live jar", a pint size glass jar with a screen top. The jars will be placed in a cardboard box which will be kept in a well shaded area where disturbance will be minimal. The jars will have paper cups in the bottom to absorb moisture and collect fecal material.

The bats will not be fed during the 24 hour storage period because they would not be feeding much more during this time if in the unrestrained state. Water will periodically be given with a plastic dropper.

(6) (ii and v) During the past 5 years, I have cared for 15 bats of the family Vespertilionidae. None of these were of the same genus nor species as either of the endangered bats. I have not had any accidental mortalities or escapes during this time. There have been several instances in which I have kept 1 or 2 bats in a "live jar" for 1 or 2 days prior to their preservation. I maintained a *Lasturus cinereus* and a *Pipistrellus subflavus* in a display aquarium for 2 months during the spring of 1974. These animals remained healthy throughout this period and were fed, watered, and exercised daily until their preservation. I also kept 5 *Nycticeius humeralis* in "live jars" for 4 days in August of 1975. These bats were cared for in a manner similar to what will be used for the endangered bats except they were fed meal worms. Their death was necessary to obtain tissue for cytological investigations.

(7) A copy of my Arkansas Scientific Collecting Permit is attached to this reply. The Oklahoma permit is still being processed. I will be the only person engaging in the above activities. I will be netting through the summer of 1977.

(8) (i) I would like this permit to authorize my taking, possessing, and subsequently releasing both endangered bats, *Myotis sodalis* and *Myotis grisescens*. I would also like this permit to allow me to preserve as scientific specimens a small number of bats if they either represent significant geographical range extensions or expire during collection.

(ii) I will be using Japanese mist nets to capture bats in a part of Arkansas where these two endangered species theoretically exist. These nets will be placed over water and near cave entrances (unless the cave is known to house either of the endangered bats). If either *Myotis* is netted, it will be temporarily stored in the above prescribed manner and its fecal material will be collected in the "live jar". If an animal should die during storage time, during collection, or if it represents a significant range extension, it will be preserved as a scientific specimen. No direct attempt will be made to take the endangered bats and every attempt will be made to avoid such collection, but, there does exist the possibility of an inadvertent capture. If a roost of either bat is located, it will be reported but not harassed in any form nor will collections be made in the immediate area. Firearms will not be used in the regions where these animals are known to occur thereby minimizing an accidental death of either bat.

(8) (iii) The research for my master's degree will involve an investigation of the partitioning of food resources and ecological distribution of the insectivorous bats in the

JUNE 10, 1976.

DIRECTOR,
Fish and Wildlife Service,
Washington, D.C. 20240.

DEAR SIR: This letter is in response to your request for the additional information found in 50 CFR 17.22 relating to my permit application to handle endangered species. My File No. is FWS/LE PRT 2-178-07. I offer my apologies for not initially supplying the requested information.

17.22 Permits for scientific purposes or for the enhancement of propagation or survival.

(a) Application requirements.

(1) Indiana *myotis*, *Myotis sodalis* Miller and Allen Gray *myotis*, *Myotis grisescens* (Howell).

The number, age, and sex of the possible captures cannot be estimated. The number that will be taken and preserved as scientific specimens will be one adult bat of each sex from each collection site from which the specimen would represent a significant range extension. Any bats that accidentally die during collection will also be preserved as scientific specimens. This number should be near zero. It is these above collections and the permission to net and handle the endangered bats that I wish this permit to authorize.

(2) The bats I am seeking authorization to capture are alive and in the wild at this time.

(3) Within the known range of these two species, collections will be made by using only Japanese mist nets. A captured bat will be stored alive in a "live jar" until its release

Central Ouachita Mountains of mid-western Arkansas and adjacent Oklahoma. I will be collecting bat fecal material, bats, and insects from at least 30 localities throughout this 23 county area. Specific information about these two endangered bats could be considered a part of my research but not the primary objective. Although no direct attempt will be made to collect these 2 endangered bats, any information gained subsequently from my research efforts will contribute to the knowledge of their ecological requirements and therefore certainly aid in their preservation.

(8) (iv) The bats taken will be released the evening following their capture unless they die or represent significant range extensions. In such cases, the bats will be preserved as scientific specimens and housed in the Museum of Zoology, Louisiana State University, Baton Rouge, Louisiana 70803.

Sincerely,

GARY L. GRAHAM.

12. Attachments

17.23 Zoological, educational, scientific, or propagation permits.

(a) Application procedures.

(1) I would like this permit to authorize my taking, possessing, and subsequently releasing (unless the specimen represents a significant geographical range extension or expires during collection) of both the Indiana Bat, *Myotis sodalis*, and the Gray Bat, *Myotis grisescens*.

(3) I am a graduate student in Zoology at Louisiana State University where the research for my master's degree is directed by George H. Lowery, Jr., Boyd Professor of Zoology and Director of the Museum of Zoology. I have decided to investigate the ecological distribution and partitioning of food resources by the community of insectivorous bats in the Central Ouachita Mountains of midwestern Arkansas and adjacent Oklahoma. I will be collecting bats, bat fecal pellets, and insects from at least 30 localities throughout the 23 county area. Collections will be made predominantly between late May until early August of 1976 and 1977. These collections will be facilitated by Japanese mist nets, a 410 gauge shotgun (where there is very little danger of shooting one of the endangered bats), and an insect black light.

The most recent distribution maps show the two endangered bats occurring extralimital to my study area. No attempt will be made to take these bats and every effort will be made to avoid such collection but there does exist the possibility of inadvertently netting these bats in the northernmost part of the above stated study area. If either *Myotis sodalis* or *Myotis grisescens* is netted, it will be temporarily held captive (less than 24 hours) during which the fecal pellets will be collected. Each animal will be released the evening following its capture. If an animal should die during this time or during collection, it will be preserved as a scientific specimen. If a roost of either species is located, it will be reported but not harassed in any form nor will collections be made in the immediate vicinity. The shotgun will not be used in the northern parts of my study area thereby minimizing an accidental death of either of the endangered bats. I must emphasize the fact that my research is not primarily concerned with these two bats. The possibility does exist, however, that one of them could be inadvertently captured. I would like, therefore, for my permit to cover this possibility.

If any information concerning these two bats is gained from my research efforts, it will contribute to the knowledge of their geographical ranges and ecological requirements. I can assure you that my collecting activities

here will be carried out with the utmost discretion and with due regard for the welfare of endangered species and the laws of the states.

(4) If either of the above bats should die during collection or while in my possession, they will be preserved as scientific specimens in the Museum of Zoology, Louisiana State University, Baton Rouge, Louisiana.

Approved:

George H. Lowery, Jr.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File

Number PRT 2-178-07; please refer to this number when submitting comments. All relevant comments received on or before August 23, 1976 will be considered.

Dated: July 16, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement,
U.S. Fish and Wildlife Service.

[FR Doc. 76-21270 Filed 7-22-76; 8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Windy Hill Bird Farm, Route 4, Box 160, Robstown, Texas 78380; Bob Riley, Owner.

OMB NO. 42-11670

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		1. APPLICATION FOR (Indicate only one)												
		☐ IMPORT OR EXPORT LICENSE ☒ PERMIT												
		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. To purchase interstate in course of propagation purposes the following: 2yr. Palawan Pheasants 2yr. Hume Bustard Pheasants 2yr. White Land Pheasants												
3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) Bob Riley Rt 4 Box 160 Robstown, TX. 78380 512-387-3273		5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION Windy Hills Bird Farm Propagation of different breeds of birds.												
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <table border="1"> <tr> <td>☒ MR. ☐ MRS. ☐ MISS ☐ MS.</td> <td>HEIGHT</td> <td>WEIGHT</td> </tr> <tr> <td>DATE OF BIRTH</td> <td>COLOR HAIR</td> <td>COLOR EYES</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED</td> <td colspan="2">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td colspan="3">OCCUPATION</td> </tr> </table>		☒ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT	WEIGHT	DATE OF BIRTH	COLOR HAIR	COLOR EYES	PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER		OCCUPATION			6. IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED Bob Riley
☒ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT	WEIGHT												
DATE OF BIRTH	COLOR HAIR	COLOR EYES												
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER													
OCCUPATION														
5. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED Neeces Country Rt 4 Robstown, TX		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit numbers) PRT-2-546 AG												
8. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE, ENCLOSED IN AMOUNT OF \$		8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? (If yes, list jurisdictions and type of documents) Do not need approval												
9. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 12.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.		10. DESIRED EFFECTIVE DATE 7-31-76												
11. DURATION NEEDED 2 years														
CERTIFICATION I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 12, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.														
SIGNATURE (in ink) Bob Riley		DATE 7-5-76												

(1) Palawan Peacock Pheasants (*Polyplectron emphanum*): 2 pr., 1 year old—2 hens, 2 cocks; White Eared Pheasants (*Crossoptilon crossoptilon*): 2 pr., 1 year old—2 hens, 2 cocks; Humes Bartall Pheasants (*Sympaticus humiae*): 2 pr., 1 year old—2 hens, 2 cocks.

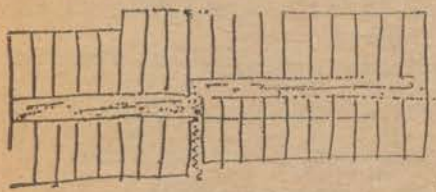
(2) Birds were raised in captivity.

(3) None.

(4) Birds raised in America, State of New York. Palawan's raised by J. Kulina, Carmel, New York—White Eared and Humes by C. Sivillo, Dix Hills, L.I.

(5) Windy Hill bird farm—Nueces County, Robstown, Tx. A four acre aviary, which is located on a slight slope of a sandy loam hill, which makes a ideal place to raise pheasants and other birds I have, including Vulturine Guineafowl, Curassows, and Guans. Most breeding pens are at least 10 x 30 and some larger. We keep pens in a natural surrounding, where we raised enough birds to received the Novice breeder award from the A.P. & W.S. last year.

(6) (a) Digram of Aviary.



(b) As stated early, we raised more birds last year than any other novice breeder member of the A. P. & W. S. and also received awards from the Federation.

(c) I, Bob Riley am willing to participate in a cooperative breeding program and maintain a studbook.

(d) Transportation will be air freight in safe containers with food.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2-224-07; please refer to this number when submitting comments. All relevant comments received on or before August 23, 1976 will be considered.

Dated: July 15, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement,
U.S. Fish and Wildlife
Service.

[FR Doc.76-21268 Filed 7-23-76;8:45 am]

Geological Survey

KNOWN LEASING AREA (COAL)

Cimarron Ridge, Colorado

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), and 203 Departmental Manual No. 1, and Secretary's Order No. 2948, Federal lands within the State of Colorado have been

classified as subject to the competitive coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(6) Colorado

Cimarron Ridge (Colorado) Known Leasing Area (Coal); May 1, 1975; 20,820 acres.

A diagram showing the boundaries of the area classified for competitive leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Regional Conservation Manager, U.S. Geological Survey, Stop 609, Box 25046, Denver Federal Center, Denver, Colorado 80225.

Dated: July 16, 1976.

V. E. MCKELVEY,
Director.

[FR Doc.76-21370 Filed 7-22-76;8:45 am]

National Park Service

GRAND CANYON NATIONAL PARK, ARIZONA

Public Hearings Regarding Wilderness Proposal

Notice is hereby given in accordance with the provisions of the Act of January 3, 1975 (88 Stat. 2089, 16 U.S.C. 228j), and in accordance with Departmental procedures as identified in 43 CFR 19.5, that public hearings will be held beginning at 7:00 p.m. on August 24, 1976, in the Auditorium, Washington County Courthouse, 197 East Tabernacle Street, St. George, Utah; at 7:00 p.m. on August 25, 1976, in the Auditorium, Room 104, Liberal Arts Building, South Campus, Northern Arizona University, Flagstaff, Arizona; at 1:30 p.m., recess from 5:00 p.m. to 7:30 p.m. and continue to conclusion on August 26, 1976, in the Community Building, Grand Canyon Village, Grand Canyon National Park, Arizona; and at 1:30 p.m., recess from 5:00 p.m. to 7:30 p.m., and continue to conclusion on August 27, 1976, in the Auditorium, First Federal Savings Building, Prudential Plaza, 3003 North Central Avenue, Phoenix, Arizona, for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of wilderness comprising about 992,046 acres within the Grand Canyon National Park.

A packet containing a map depicting the preliminary boundaries of the proposed wilderness and providing additional information about the proposal may be obtained from the Superintendent, Grand Canyon National Park, P.O. Box 129, Grand Canyon, Arizona 86023, or from the Regional Director, Western Region, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, California 94102.

A description of the preliminary boundaries and a map of the areas proposed for establishment as wilderness are available for review in the above offices, and

in Room 1210 of the Department of the Interior Building at 18th and C Streets, N.W., Washington, D.C.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearings, provided they notify the Hearing Officer, in care of the Superintendent, Grand Canyon National Park, P.O. Box 129, Grand Canyon, Arizona 86023, by August 21, of their desire to appear. Those not wishing to appear in person may submit written statements on the wilderness proposal to the Hearing Officer, at that address for inclusion in the official record, which will be held open for written statements until September 26, 1976.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

- (1) Governor of the State or his representative.
- (2) Members of Congress.
- (3) Members of the State Legislature.
- (4) Official representatives of the counties in which the proposed wilderness is located.
- (5) Officials of other Federal agencies or public bodies.
- (6) Organizations in alphabetical order.
- (7) Individuals in alphabetical order.
- (8) Others not giving advance notice, to the extent there is remaining time.

Dated: July 15, 1976.

ELDON G. REYER,
Acting Associate Director,
National Park Service.

[FR Doc.76-21210 Filed 7-22-76;8:45 am]

[INT DES 76-28]

GRAND CANYON NATIONAL PARK, ARIZONA

Proposed Wilderness Classification, Availability of Draft Environmental Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act, the Department of the Interior has prepared

a draft environmental statement for the proposed wilderness areas in Grand Canyon National Park, Arizona.

The statement considers establishment of 992,046 acres as wilderness within Grand Canyon National Park. Also considered are 120,965 acres of potential wilderness addition to be added by the Secretary of the Interior at such time he determines they qualify.

Written comments on the environmental statement are invited and will be accepted for a period of 45 days following publication of this notice. Comments should be addressed to the Superintendent, Grand Canyon National Park.

Copies of the draft environmental statement are available from or for inspection at the following locations:

Western Regional Office, National Park Service, 450 Golden Gate Avenue, San Francisco, California 94102.

Southern Arizona Group Office, National Park Service, 1115 N. 1st Street, Phoenix, Arizona 85004.

Grand Canyon National Park, P.O. Box 129, Grand Canyon, Arizona 86023.

Dated: July 19, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary
of the Interior.

[FR Doc.76-21211 Filed 7-22-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-457]

BALD EAGLE COAL CO. ET AL.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Bald Eagle Coal Company et al. have filed a petition to modify the application of 30 CFR 75.1710 to the following mines located in Nicholas County, West Virginia: Bald Eagle Coal Company, Mine No. 1; Christopher Coal Sales Corp., Mine No. 1; Robert Eagle Coal Company, Mine No. 2; William Eagle Coal Company, Mine No. 1.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

*** Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such

equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. The total seam height at Bald Eagle Coal Company, Mine No. 1, ranges from 33 to 46 inches. The electric face equipment subject to the regulation in this mine consists of the following:

2 Joy 11 RU Coal Cutters

1 Joy CD 81 Coal Drill

2 Galls 300 Roof Bolters

1 Joy 14BU-10 Loader

1 S & S Una-A-Trac Scoop

2 Joy 18SC-6 Shuttle Cars

2. The total seam height at Christopher Coal Sales Corp., Mine No. 1, ranges from 32 to 42 inches. The electric face equipment subject to the regulation in this mine consists of the following:

2 Joy 21SC Shuttle Cars

1 Joy 16RB Coal Cutter

1 Joy 14BU10-11 AKK Loader

2 Galls 300 Roof Drills

1 S & S Una-A-Trac Scoop

1 Long Airdox TDF24A Coal Drill

3. The total seam height at Robert Eagle Coal Company, Mine No. 2, ranges from 34 to 42 inches. The electric face equipment subject to the regulation in this mine consists of the following:

1 Joy 11RU Coal Cutter

2 S & S Una-A-Trac Scoops

1 Long Airdox Coal Drill

1 Galls 300 Roof Bolter

4. The total seam height at William Eagle Coal Company, Mine No. 1, ranges from 32 to 48 inches. The electric face equipment subject to the regulation in this mine consists of the following:

2 Galls 300 Roof Bolters

1 Joy 14BU10-11 AKK Loader

2 Joy 18SC10-PE-5 Shuttle Cars

1 Joy 16RB-3BKK Cutter

1 Long Airdox TDF Coal Drill

5. We have not applied to the Assistant Administrator—Technical Support for an approval of devices to be used in lieu of cabs or canopies as permitted by 30 CFR 75.1710-1(f) since we are without knowledge of any alternate device which would be safe and otherwise suitable for use in these mines.

6. We feel that the application of 30 CFR 75.1710-1 to these mines will result in a diminution of safety to the operator of the equipment and also any other miner nearby. Operators will not have

as good of vision as they have without the cabs or canopies. They will tend to lean out of the cab or canopy and possibly be dragged off or fall off the equipment. They will not be able to see their fellow miners as well and may therefore endanger them. The cabs or canopies will drag on check curtains or line curtains and cause improper ventilation. They will be tearing down hanging trailing cables, and fires and burns to the miners may result. They will be shearing off roof bolts or dislodging other roof supports and endangering the operator and other miners by falling rock.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

JULY 16, 1976.

[FR Doc.76-21271 Filed 7-22-76;8:45 am]

[Docket No. M 76-403]

BREEDING BROTHERS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Breeding Brothers Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 3 Mine located in Letcher County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

*** Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. We hereby petition for modification of the application of Mandatory Safety Standard 30 CFR 75.1710-1 of the Federal Coal Mine Health and Safety Act of 1969. This Petition is in reference to canopies on equipment at the No. 3 Mine (I.D. 1509401), Breeding Brothers Coal Company.

2. Our equipment consists of two Elkhorn Scoops (29 inches high) and 1 Paul's Repair Shop Bolt Machine (27 inches high). This machinery, manufactured in the early 60's, was not designed to have canopies installed, as the new-type ones are today.

3. No 3 Mine is in the 5A Seam, which ranges from 39 to 42 inches in height. In this seam we are constantly running into ascending and descending grades, resulting in dips in the coalbed.

4. By installing canopies on the machinery, we are limiting the vision of the operators of the equipment, creating a hazard to them as well as the other employees in the mine. We feel that because the machine operator's vision is limited and because of the position required in order to be seated in the deck of the machine, the installation of canopies could be contributing factors to the accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

JULY 16, 1976.

[FR Doc.76-21272 Filed 7-22-76; 8:45 am]

[Docket No. M 76-465]

BUFFALO COAL COMPANY, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c)

(1970), Buffalo Coal Company, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its Mine #1 located in Anderson County, Tennessee.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Installing canopies or cabs on this equipment will create more hazards than presently exist without canopies or cabs thereon.

2. The mine roof is not uniform, and the average thickness of the coal is only 34 inches, so that the operator could be fatally injured by the projection of the canopy or cab higher than the space provided in the mine. Television commercials showing the safety value of canopies are photographed in mines where the coal is 5 or 6 feet in height, which is ideal for the use of such appurtenances.

3. Present safety rules in effect at the mine have prevented accidents to operators of cutting machines and scoop loaders inherent in low-seam mining, and measures already taken will be of more benefit than installation of canopies or cabs as ordered by the Bureau of Mines.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 23, 1976. Such requests or comments must be filed with the Office of Hearings and Ap-

peals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

JULY 16, 1976.

[FR Doc.76-21273 Filed 7-22-76; 8:45 am]

[Docket No. M 76-473]

CABIN KNOLL COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Cabin Knoll Coal Co. has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. We hereby petition for modification of the application of 30 CFR 75.1710-1 as it applies to the following equipment: S & S Scoop, Model 486, cutting machine and roof bolting machine.

2. The No. 2 Mine is in the Lower Elkhorn seam, which ranges from 42 to 46 inches in height. The coal seam has consistent ascending and descending grades creating dips in the coalbed.

3. As a result of these dips, the canopies have to be installed in such manner as to prevent them from getting against the roof and possibly destroying roof support. Also, installation only allows a 23-inch vertical operating compartment, thus limiting the field of vision of the equipment operators and creating a hazard to them as well as the other employees in the mine.

4. We feel that because the equipment operators' vision is limited and because of the position required in order to be seated in the decks, that the installation of canopies could be contributing factors in any accidents which may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

JULY 16, 1976.

[FR Doc. 76-21274 Filed 7-22-76; 8:45 am]

[Docket No. M 76-494]

EASTERN COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Eastern Coal Corporation has filed a petition to modify the application of 30 CFR 75.1710 to its Stone No. 4 and Stone No. 7 Mines, Stone, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

*** Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such

equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. ***

The substance of Petitioner's statement is as follows:

I. In Petitioner's mines described below, operations are proceeding in seams of coal of heights which, when mined, do not permit clearances between the top of operated equipment and the roof, adequate to allow installation of canopies for protection of operators, without the creation of other and additional hazards. In all of its mines, including those covered by this Petition, seam height varies significantly within all entries, and from section to section, and within each section. Therefore, hazards from roof contact exist in all mines covered by this Petition at areas where low seams, or rolls, dips and other seam variations drop to the vicinity of equipment height. Petitioner has installed canopies on all equipment where repeated contact with the roof does not occur, and has re-equipped all mines where new operations and the short length of workings allows re-equipment.

Petitioner has consulted with MESA Technical Support Center, and continues to experiment with canopy installations. In this regard, Petitioner's greatest problem in extending use of canopies has been operator acceptance, and it has been able to gain no significant experience with prototype canopies at the mines covered by this Petition, because of refusal of miners to operate the equipment. This subjective reaction is predictable in situations of seams 42 inches in height and under, but is extremely difficult to deal with because of the provisions of Article III, Section (i) of the National Bituminous Coal Wage Agreement of 1974, which allows individual miners to withdraw from conditions which he believes to be abnormal and dangerous by following certain procedures.

It operates mines in which the application of this mandatory standard creates these hazards, as follows:

1. **Stone #4 Mine.** This mine is located at Stone, Kentucky, and operates two working sections in seam heights of 41 to 75 inches, using continuous miners with associated roof bolters and shuttle cars with heights from 24 to 34 inches.

2. **Stone #7 Mine.** This mine is located at Stone, Kentucky, and operates three

working sections in seam heights of 37 to 84 inches using continuous miners with associated roof bolters, scoops and shuttle cars with heights from 24 to 34 inches.

II. **Safety standard with respect to which modification is being requested.**

A. Interior Department Regulations at 30 CFR 75.1710-1(a) sets forth the requirements in question:

B. Petitioner submits that the application of the foregoing provisions of the regulations, if applied to Petitioner's mines, will result in a diminution of safety and is impossible to apply, as described herein below.

III. **Diminution of safety.**

Petitioner asserts that to apply the standard set forth in 30 CFR 75.1710-1 to its miners would result in a diminution of safety to its employees in that:

A. Petitioner is constantly encountering undulations in the height of its coal seam.

B. As a result of the undulations in seam height the likelihood of jamming the canopy against the roof is increased. Moreover, safe clearance from the roof is not assured in that roof bolts have been and will continue to be sheared or dislodged, thereby creating a greater risk of roof fall and injury to employees than would exist otherwise.

C. Technology in the industry is not available to design and install canopies on existing equipment which will protect the operators in the conditions described above, insure visibility and safe operability, and prevent the hazards described herein. Instead, results of attempts to do so have included the following:

1. Crammed and awkward operator positions causes operators to leave cabs more frequently, and in situations which expose him to hazards of mining equipment.

2. Poor visibility causes operator to put his head outside of the equipment, which exposes him to hazards of moving equipment.

3. Changes in conditions after installation of canopies, caused by variations in seam height and undulations causes equipment clearance to be inadequate and causes collisions with the top, shearing roof bolts, damaging cross beams, destroying equipment and roof support.

D. In an effort to solve problems of equipment modification, Petitioner knows of consultations with the MESA Technical Support Center, which it believes to be considering the type of problems described herein. Petitioner does not know of results from such consultations. In addition, Petitioner as is common in the industry, is in repeated and frequent consultation with vendors on equipment problems, and knows that vendors with whom it has consulted are unable to solve the problems described herein.

E. Existence of the cab itself becomes a hazard in seams, or in portions of seams, in which the Petitioner operates as described above, because present equipment known to the Petitioner limits the paths of escape to an operator

forced with a roof or rib fall in a confined space.

F. Much of the equipment used in these mines was not manufactured or designed for the installation of canopies and Petitioner has been unable to construct or purchase suitable canopies without encountering all of the foregoing problems.

G. In petitioning for modification of the mandatory standard herein, Petitioner is forced to request relief from all time limits set forth in 30 CFR 75.1710-1 as applied to date because of the variations described above within each mine. The standard prescribes time limits for use of canopies based upon maximum height within a mine. If the standard becomes immediately applicable throughout the mine, Petitioner is being forced to install canopies in the lower reaches of coal before other coal mine operators in like situations. If the different time limits are to apply to the separate mining sections or other areas in the mines, then Petitioner is faced with a vague situation as mining uncovers new conditions and he is forced with little time to comply, or where compliance is impossible as described herein, his mine may be rendered worthless.

IV. Relief requested.

In view of all of the foregoing, Petitioner requests since the standard involved herein will result in a diminution of safety at its mines and technology is not available at present to satisfactorily accomplish the desired result of increased safety, that the standard be modified to not require Petitioner to install canopies at its mines.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

JULY 16, 1976.

[FR Doc. 76-21275 Filed 7-22-76; 8:45 am]

[Docket No. M 76-519]

JIM WALTER RESOURCES, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Jim Walter Resources, Inc., has filed a petition to modify the application of 30 CFR 75.1401-1 to its Bessie Mine, Jefferson County, Alabama.

30 CFR 75.1401-1 provides:

The American National Standards Institute "Specifications For the Use of Wire Ropes For Mines," M11.1-1960, or the latest revision

thereof, shall be used as a guide in the use, selection, installation, and maintenance of wire ropes used for hoisting.

The substance of Petitioner's statement is as follows:

1. Bessie Mine is a bituminous coal mine first opened in 1905. The coal being mined is the Mary Lee Seam, with an average thickness of ninety (90) inches.

2. (a) The man-hoist is a manually operated Hardie Tynes ground mounted hoist and keyed fixed drum to shaft, powered by 2,200 volts AC current, and equipped with friction band type brakes, overspeed, overwind, and automatic stop control, interlocked with a lilly control mechanism.

(b) The cage speed is control assisted by dynamic brakes with hoist load effort and smooth cage operation.

(c) A counter balancer is integral to cage movement, assuring less hoist load effort and smooth cage operation.

(d) The hoist is provided with proper gear drive guards and barricades to meet safety requirements.

(e) A qualified person is with the hoist engineer acting as a standby, while personnel are being lowered or hoisted from the mine at the beginning and ending of shifts.

3. The hoist rope is 518 feet, 1 1/4 inch-6x25 hemp center, regular lay improved plow steel rope. This particular rope has been in service for some eighteen (18) years.

4. The manshaft is 480 feet in depth, 13 feet in diameter, has a concrete collar extending approximately twenty (20) feet from the surface opening down into the shaft. It was put in operation in 1957.

5. The man cage has an empty weight of 7,625 pounds. The maximum personnel load for the man cage is thirty (30) people at an average weight of 170 pounds or a total weight of 1,500 pounds. The cage is equipped with an overload door for emergency purposes. The man cage makes only 20 to 24 trips per day. Use of the cage is to transport workmen in and out of the mine and is occasionally used to transport needed small parts for equipment. It is not used for transportation of heavy loads however.

6. The maximum load on the hoist rope is calculated as follows:

Depth of shaft below head sheave	518 feet
Weight of cage	7,625 lbs.
Weight of men	5,100 lbs.
Total load	12,725 lbs.
Weight of rope (2.81 x 518)	1,456 lbs.
Total weight (w)	14,181 lbs.
Maximum speed (velocity) (V) equals 480 divided by 75 or 6.40 ft./sec.	
Period 5 of acceleration (T) equals 25 seconds.	

$$\text{Acceleration load} = \frac{W}{32.2} \times \frac{V}{T}$$

$$= \frac{14,181}{32.2} \times \frac{6.40}{25} = 113 \text{ lb}$$

$$\text{Total rope load} = 14,181 + 113 = 14,294 \text{ lb}$$

$$\text{Safety factor} = \frac{*132,000}{14,294} = 9.24$$

A tensile load test was conducted by Western Sliding and Cable Company, Inc., an independent company, on March 16, 1976. A copy of their test results is attached as Exhibit A and incorporated herein.

7. Petitioner contends that non-application of Section 75.1401-1 to its hoisting equipment will not result in a diminution of safety in the operation of said equipment, because:

(a) The rope is in excellent condition and inspection reveals there is no marked reduction in rope diameter, no broken outside wires, and no indications of corrosion.

(b) The calculated safety factor for this rope at this time is 9.24. The minimum factor of safety when this rope must be discarded is 5.8.

8. Petitioner alleges that the following alternative method be developed in lieu of the said mandatory standard which will at all times guarantee no less than the same measure of protection afforded the miners at Bessie Mine by the said mandatory standard:

(a) The petitioner will continue to make a daily examination of the hoisting equipment as required by 30 CFR 75.1400-3.

(b) The petitioner will continue to maintain records of the hoisting equipment as required by 30 CFR 75.1400-4.

(c) The petitioner will continue to test the safety catches as required by 30 CFR 75.1400 and maintain records of these tests as required by 30 CFR 75.1400-2.

(d) In view of all the foregoing, the petitioner requests that the cutoff time for the wire rope to the man hoist be extended from six (6) months as required by 30 CFR 75.1401-1 to twenty-four (24) months.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

JULY 16, 1976.

[FR Doc. 76-21276 Filed 7-22-76; 8:45 am]

[Docket No. M 76-466]

J & V WALNUT MOUNTAIN COAL, INC. Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), J & V Walnut Mountain Coal, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its Mine #1 located in Anderson County, Tennessee.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Installing canopies or cabs on this equipment will create more hazards than presently exist without canopies or cabs thereon.
2. The mine roof is not uniform, and the average thickness of the coal is only 34 inches, so that the operator could be fatally injured by the projection of the canopy or cab higher than the space provided in the mine. Television commercials showing the safety value of canopies are photographed in mines where the coal is 5 or 6 feet in height, which is ideal for the use of such appurtenances.
3. Present safety rules in effect at the mine have prevented accidents to operators of cutting machines and scoop loaders inherent in low-seam mining, and measures already taken will be of more benefit than installation of canopies or cabs as ordered by the Bureau of Mines.

REQUEST FOR HEARING OF COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies

of the petition are available for inspection at that address.

JAMES R. RICHARDS

Director,

Office of Hearings and Appeals.

JULY 16, 1976.

[FR Doc.76-21277 Filed 7-22-76;8:45 am]

[Docket No. M 76-539]

JUMACRIS MINING, INC.

Petition or Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Jumacris Mining, Inc., has filed a petition to modify the application of 30 CFR 75.1704-1 to its No. 4 Mine, Gilbert, West Virginia.

30 CFR 75.1704-1, in pertinent part, provides:

This section sets out criteria by which District Managers will be guided in approving escapeways and escape facilities. Escapeways and escape facilities that do not meet these criteria may be approved providing the operator can satisfy the District Manager that such escapeways and facilities will enable miners to escape quickly to the surface in the event of an emergency.

(a) Except in situations where the height of the coalbed is less than 5 feet, escapeways should be maintained at a height of at least 5 feet (excluding necessary roof support) and the travelway in such escapeway should be maintained at a width of at least 6 feet. In those situations where the height of the coalbed is less than 5 feet the escapeway should be maintained to the height of the coalbed (excluding any necessary roof support) and the travelway in such escapeways should be maintained at a width of at least 6 feet.

(b) Each escape shaft which is more than 20 feet deep shall include elevators, hoists, cranes, or other such equipment, which shall be equipped with cages and buckets. When such facilities are not automatically operated, an attendant shall be on duty during any coal-producing or maintenance shift. An "attendant" as used in this subsection means a person located on the surface in a position where it is possible to hear or see a signal calling for the use of such facilities or to readily obtain another person to operate such facilities.

The substance of Petitioner's statement is as follows:

1. Petitioner requests a waiver of the foregoing section because the escapeway in the subject mine is well maintained and well supported.
2. Petitioner feels that the disturbance that would be caused in altering the escapeway would be more hazardous to the mine personnel than the narrower, but well-supported escapeway.

REQUEST FOR HEARING OF COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department

of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,

Director, Office of Hearings and Appeals.

JULY 16, 1976.

[FR Doc.76-21278 Filed 7-22-76;8:45 am]

[Docket No. M 76-489]

KENTLAND-ELKHORN COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Kentland-Elkhorn Coal Corporation has filed a petition to modify the application of 30 CFR 75.305 to its Kentland No. 2 Mine, Pike County, Kentucky.

30 CFR 75.305 in pertinent part provides:

In addition to the preshift and daily examinations required by this Subpart D, examinations for hazardous conditions, including tests for methane, and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and, insofar as safety considerations permit, abandoned areas. Such weekly examinations need not be made during any week in which the mine is idle for the entire week, except that such examination shall be made before any other miner returns to the mine.

The substance of Petitioner's statement is as follows:

The coal seam being mined is the lower Elkhorn seam which ranges in thickness from 48 to 60 inches, the most common thickness being about 54 inches. The mine currently produces about 2,400 tons per day in a two-producing-shift operation, utilizing six producing sections. Mining is performed by five conventional mining sections; that is cutting machines, loaders, shuttle cars, etc., and one continuous miner section.

There are portions of the return airways which extend back into old workings of the mine located at:

1. Extending from the 10 right overcast on break inby spad 507 to the Kentland No. 2 fan;
2. Extending from spad 200 in the return six breaks inby the No. 3 belt drive in the Kentland No. 2 east mine to the Kentland No. 2 fan, and;
3. Extending from one back outby spad 508 to the Gun Barrel fan.

ALTERNATE METHOD

Approval of this alternate system is a satisfactory replacement of the standard which otherwise would mandate walking the old workings by an individual miner at this mine would be subject to the following conditions which would be

incorporated as parts of the alternate system:

1. That Kentland-Elkhorn will set up evaluation stations at strategic locations throughout the three returns not being traveled.
2. That adequate roof support will be provided at the strategically located stations.
3. That the required checks for methane gas, direction and velocity of air flow will be made by a qualified person as often as necessary but not less than once every 7 days.

SAFETY CONSIDERATIONS

The alternate method set forth above will provide no less than the same measure of protection to miners at the Kentland No. 2 mine than that sought to be afforded by Section 305 of Interior Department Regulations 30 CFR 75. Under the circumstances at this mine, it will actually provide greater protection and thus avoid the diminution of safety that would result if the regulation was complied with as written, because:

1. Under normal procedures, a qualified miner would be required to walk through old workings at least once a week to make the required gas and air checks.
2. In so doing, the miner would be constantly exposed to changing roof conditions which could become hazardous to his health and safety.
3. Roof falls are the most serious cause of fatalities in the coal mining industry.
4. The proposed method of checking by Petitioner would provide the same information that a physical walking of the old workings would achieve.
5. The proposed method of checking by Petitioner would eliminate the hazards inherent in traveling in the old workings.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

JULY 16, 1976.

[FR Doc.76-21279 Filed 7-22-76;8:45 am]

[Docket No. M 76-547]

LEECO, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Leeco, Inc., has filed a petition to modify the application of 30 CFR

75.805 to its Leeco Nos. 3, 18 and 20 Mines, Manchester, Kentucky.

30 CFR 75.805 provides:

Couplers that are used with medium-voltage or high-voltage power circuits shall be of the three-phase type with a full metallic shell, except that the Secretary may permit, under such guidelines as he may prescribe, no less effective couplers constructed of materials other than metal. Couplers shall be adequate for the voltage and current expected. All exposed metal on the metallic couplers shall be grounded to the ground conductor in the cable. The coupler shall be constructed so that the ground check continuity conductor shall be broken first and the ground conductor shall be broken last when the coupler is being uncoupled.

The alternate method proposed by Petitioner, and the reasons that such method at all times guarantees no less than the same measure of protection afforded by the mandatory standard are as follows:

In lieu of "couplers" mentioned in 76-805, we are using boxes affording the same protection as the coupler in that the box is a full metallic frame, and breaks the ground check continuity.

The ground check continuity is broken first in that when the lid is lifted, the micro-switch is broken, interrupting the ground check circuit, tripping the power.

In view of the circumstances and the safety that this system provides, it is hereby requested that a modification be granted for the existing boxes installed at Leeco No. 18, Leeco No. 20, and Leeco No. 3.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

JULY 16, 1976.

[FR Doc.76-21280 Filed 7-22-76;8:45 am]

[Docket No. M 76-515]

LESLIE COAL MINING CO.

Petition or Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Leslie Coal Mining Company has filed a petition to modify the application of 30 CFR 75.326 to its Leslie Underground Mine, Pike County, Kentucky.

30 CFR 75.326 provides:

In any coal mine opened after March 30, 1970, the entries used as intake and return air courses shall be separated from belt haulage entries, and each operator of such mine shall limit the velocity of the air coursed

through belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of methane, and such air shall not be used to ventilate active working places. Whenever an authorized representative of the Secretary finds, in the case of any coal mine opened on or prior to March 30, 1970, which has been developed with more than two entries, that the conditions in the entries, other than belt haulage entries, are such as to permit adequately the coursing of intake or return air through such entries, (a) the belt haulage entries shall not be used to ventilate, unless such entries are necessary to ventilate the active working places, and (b) when the belt haulage entries are not necessary to ventilate the active working places, the operator of such mine shall limit the velocity of the air coursed through the belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of methane.

The substance of Petitioner's statement is as follows:

1. The coalbed of the mine to which this petition is directed lies below drainage, i.e., below the water table, and the operator is in the process of gaining access to said coalbed (the Pond Creek or Lower Elkhorn Seam) by the shaft and slope method. In lieu of the mandatory standard, the operator proposes to provide ventilation on a temporary basis and only in the initial phase of gaining access to the coalbed by separating intake and return air courses in the belt haulage entry (slope). The proposed method, involving two phases or steps, are set forth on white print sketches¹ attached hereto and made a part hereof as Exhibits A and B showing, respectively, "Step 1" and "Step 2" of the Development and Ventilation Plan. White print sketch¹ of the Portal Elevation of the Ventilation Plan is also attached to and made a part of this petition as Exhibit C.

In connection with the alternate method, the operator will (a) continuously monitor the methane content of the air and will immediately shut off all underground power circuits when methane content reaches 0.75 percent; (b) carry out continuous inspection of the belt by certified personnel; and (c) will locate a "trickle" rock duster which will be caused to run at all times the belt is in operation, at the point where the return air enters the belt compartment of the slope entry.

2. The alternate method will at all times guarantee no less than the same measure of protection afforded the miners at the affected mine by the mandatory standard for the following reasons:

(a) The velocity of the ventilation air current at the working faces can and will be maintained at a consistently higher level than would be provided by strict compliance with the mandatory standard.

¹ All sketches mentioned in the petition will be available for inspection at the last paragraph contained in the notice.

(b) The plan will provide a larger working area for personnel, supplies and haulage equipment at the bottom of the slope than would be available at the bottom of the shaft.

(c) Transporting personnel, supplies and equipment on the slope will be less hazardous than installing a temporary means of hoisting at the shaft.

(d) Under the proposed alternate method, means of escape for personnel in emergencies will be provided that will not only be safer and faster than that provided only by the shaft, but, in addition, two separate means of escape will thereby be available.

(e) Extraction of the coal will be expedited and, therefore, the period before the entries are connected underground (and conventional ventilation is achieved) will be reduced.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

JULY 16, 1976.

[FR Doc.76-21281 Filed 7-22-76; 8:45 am]

[Docket No. M 76-458]

LITTLE ELKHORN COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Little Elkhorn Coal Company, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine located in Floyd County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

... Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the

operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner requests a waiver of the canopy requirements for equipment used in its No. 2 Mine, including the following: two (2) Wilcox roof bolters, Model WRDD-J6; two (2) Elkhorn Industrial Products coal scoops, Model AR-4.

2. The average coal height is approximately 36 inches. There are areas which go down to 28 inches. The bottom is irregular and rolling.

3. Due to the conditions in this mine, Petitioner feels the canopy requirements should be waived.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

JULY 16, 1976.

[FR Doc.76-21282 Filed 7-22-76; 8:45 am]

[Docket No. M 76-459]

LITTLE ELKHORN COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Little Elkhorn Coal Co., Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 4 Mine located in Floyd County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

... Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. The equipment for which Petitioner requests waiver of the canopy requirements in 30 CFR 75.1710 includes a Wilcox roof bolter, Model WRDD-J6 and two (2) Elkhorn Industrial Products coal scoops, Model AR-4.

2. No. 4 Mine is a relatively new operation. The coal height averages approximately 31 inches with areas going down to 28 inches. The bottom is irregular and rolling.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

JULY 16, 1976.

[FR Doc.76-21283 Filed 7-22-76; 8:45 am]

[Docket No. M 76-460]

MAVERICK MINING CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Maverick Mining Corporation has

filed a petition to modify the application of 30 CFR 75.1710 to its No. 3-B Underground Mine located in Buchanan County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner seeks waiver of the cab and canopy requirements set forth in 30 CFR 75.1710 for the following equipment: one (1) CM 245-9-6E Lee-Norse continuous mining machine; one (1) 100-L Jeffrey continuous mining machine; four (4) HD-12V Mescher battery powered tractors; and one (1) AR-4 Elkhorn battery powered scoop.

2. This equipment ranges in height from 24 inches (100-L Jeffrey) to 28 inches (CM 245-9-6E Lee-Norse).

3. The Hagy coal seam in which the mine is located is 27 to 34 inches thick. The average height of the coal seam in locations where equipment subject to cab and canopy regulations is being used is 31 inches.

4. The condition of the roof in this mine is excellent. The floor condition is very good. Petitioner has mined the Hagy seam for almost 20 years and has never had an accident or injury to an equipment operator due to roof fall.

5. Clearances of less than 6 inches over the tops of equipment completely eliminate vision in the forward or off-side direction after the installation of

cabs or canopies, making it imperative that operators extend their heads beyond equipment sides in order to see at all.

6. A cage or some such protective apparatus attached onto equipment sides for protection of operator's head and cabs or canopies overhead will greatly increase the overall dimensions of machinery.

7. Cabs or canopies in thin coal seams will force equipment operators into reclining and otherwise awkward positions.

8. The awkward positions necessarily assumed, the increased dimensions of equipment, and the almost complete impairment of an operator's vision, will substantially reduce the operator's control over and ability to maneuver the machinery in thin coal seams.

9. Canopies overhead, cages at the sides, and high bumpers at the rear of machinery, make entrance into and exist from equipment decks extremely slow and cumbersome. This creates the possibility of serious or fatal burns if fire is encountered. There is also a very realistic risk of drowning if an operator would steer equipment into a water hole because of control and vision losses.

10. Without adequate roof and rib clearances and substantial vision and control by operators, it will be impossible to prevent some dislodgement of any type of roof support.

11. An unwieldy piece of equipment operated by a person whose movements and vision are greatly restricted poses an imminent danger of injury or death to anyone working in its area of operation.

12. Clearance, control, and good vision are critical to the safe operation of equipment in thin coal seams.

13. This mine is presently on a full timbering plan to prevent roof falls.

14. We respectfully request that cabs and canopy requirements for thin-seam coal mines in the Federal Coal Mine Health and Safety Act be stricken. Hazards created by installation of cabs or canopies far outweigh intended safety benefits.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

JULY 16, 1976.

[FR Doc. 76-21284 Filed 7-22-76; 8:45 am]

[Docket No. M 76-461]

MAVERICK MINING CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c)

of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Maverick Mining Corp. has filed a petition to modify the application of 30 CFR 75.1710 to its No. 4 Underground Mine located in Buchanan County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. The equipment for which Petitioner seeks waiver of the cab and canopy requirements in 30 CFR 75.1710 includes the following: one (1) CM 245-9-6E Lee-Norse continuous mining machine; one (1) 300 Gallis roof bolting machine; one (1) HD12-V Mescher tractor; two (2) A-120 Mescher tractors; two (2) AR-4 Elkhorn scoops; and one (1) MS 36-1 Lawnel "Mine Scout."

2. No. 4 Underground Mine is located in the Splashdam coal seam. The coal seam ranges in height from 27 to 48 inches. The average height of the seam in locations where equipment subject to cabs and canopies is being used is 36 inches.

3. The equipment ranges in height from 24 inches (HD 12-V Mescher tractor) to 28 inches (CM 245-96E Lee-Norse continuous mining machine).

4. The roof is in good condition and is being bolted. The floor varies from hard to crumbly.

5. Clearances of less than 6 inches over the tops of equipment completely elim-

mate vision in the forward or offside direction after the installation of cabs or canopies, making it imperative that operators extend their heads beyond equipment sides in order to see at all.

6. A cage or some such protective apparatus attached onto equipment sides for protection of operator's head and cabs or canopies overhead will greatly increase the overall dimensions of machinery.

7. Cabs and canopies in thin coal seams will force equipment operators into reclining and otherwise awkward positions.

8. The awkward positions necessarily assumed, the increased dimensions of equipment, and the almost complete impairment of an operator's vision, will substantially reduce the operator's control over and ability to maneuver the machinery in thin coal seams.

9. Canopies overhead, cages at the sides and high bumpers at the rear of machinery, make entrance into and exit from equipment decks extremely slow and cumbersome. This creates the possibility of serious or fatal burns if fire is encountered. There is also a very realistic risk of drowning if an operator would steer equipment into a water hole because of control and vision losses.

10. Without adequate roof and rib clearances, and substantial vision and control by operators, it will be impossible to prevent some dislodgement of any type of roof support.

11. An unwieldy piece of equipment operated by a person whose movements and vision are greatly restricted poses an imminent danger of injury or death to anyone working in its area of operation.

12. Clearance, control and good vision are critical to the safe operation of equipment in thin coal seams.

13. This mine is presently on a full timbering plan to prevent roof falls.

14. We respectfully request that cabs and canopies requirements for thin-seam coal mines in the Federal Coal Mine Health and Safety Act be stricken. Hazards created by installation of cabs and canopies far outweigh intended safety benefits.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,

Director,

Office of Hearings and Appeals.

JULY 16, 1976.

[FR Doc. 76-21285 Filed 7-22-76; 8:45 am]

[Docket No. M 76-402]

MAVERICK MINING CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301

(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Maverick Mining Corporation has filed a petition to modify the application of 30 CFR 75.1710 to its No. 5 Underground Mine located in Buchanan County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

*** Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. ***

The substance of Petitioner's statement is as follows:

1. Petitioner seeks waiver of the cab and canopy requirements set forth in 30 CFR 75.1710 for the following equipment: one (1) 101-MC1-C Helimatic Jeffrey continuous mining machine; one (1) 300 Galis roof-bolting machine; four (4) HD-12V Mescher battery powered tractors; and one (1) AR-4 Elkhorn battery powered scoop.

2. This equipment ranges in height from 24 inches to 28 inches.

3. The Hagy coal seam in which the mine is located is 27 to 34 inches thick. The average height of the coal seam in locations where equipment subject to cab and canopy regulations is being used is 33 inches.

4. The condition of the roof in this mine is excellent. The floor condition is very good. Petitioner has mined the Hagy seam for almost 20 years and has never had an accident or injury to an equipment operator due to roof fall.

5. Clearances of less than 6 inches over the tops of equipment completely eliminate vision in the forward or off-side direction after the installation of cabs or canopies, making it imperative that oper-

ators extend their heads beyond equipment sides in order to see at all.

6. A cage or some such protective apparatus attached onto equipment sides for protection of operator's head and cabs or canopies overhead will greatly increase the overall dimensions of machinery.

7. Cabs or canopies in thin coal seams will force equipment operators into reclining and otherwise awkward positions.

8. The awkward positions necessarily assumed, the increased dimensions of equipment, and the almost complete impairment of an operator's vision, will substantially reduce the operator's control over and ability to maneuver the machinery in thin coal seams.

9. Canopies overhead, cages at the sides, and high bumpers at the rear of machinery, make entrance into and exit from equipment decks extremely slow and cumbersome. This creates the possibility of serious or fatal burns if fire is encountered. There is also a very realistic risk of drowning if an operator would steer equipment into a water hole because of control and vision losses.

10. Without adequate roof and rib clearances and substantial vision and control by operators, it will be impossible to prevent some dislodgement of any type of roof support.

11. An unwieldy piece of equipment operated by a person whose movements and vision are greatly restricted poses an imminent danger of injury or death to anyone working in its area of operation.

12. Clearance, control, and good vision are critical to the safe operation of equipment in thin coal seams.

13. This mine is presently on a full timbering plan to prevent roof falls.

14. We respectfully request that cabs and canopies requirements for thin-seam coal mines in the Federal Coal Mine Health and Safety Act be stricken. Hazards created by installation of cabs or canopies far outweigh intended safety benefits.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

JULY 16, 1976.

[FR Doc. 76-21286 Filed 7-22-76; 8:45 am]

[Docket No. M 76-463]

MAVERICK MINING CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Maverick Mining Corporation

has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Underground Mine located in Buchanan County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

*** Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. ***

The substance of Petitioner's statement is as follows:

1. Petitioner seeks waiver of the cab and canopy requirements set forth in 30 CFR 75.1710 for the following equipment: one (1) CM 245-9-6E Lee-Norse continuous mining machine; one (1) 100-L Jeffrey continuous mining machine; four (4) HD-12V Mescher battery powered tractors; and one (1) AR-4 Elkhorn battery powered scoop.

2. This equipment ranges in height from 24 inches (100-L Jeffrey) to 28 inches (CM 245-9-6E Lee-Norse).

3. The Hagy coal seam in which the mine is located is 27 to 34 inches thick. The average height of the coal seam in locations where equipment subject to cab and canopy regulations is being used is 31 inches.

4. The condition of the roof in this mine is excellent. The floor condition is very good. Petitioner has mined the Hagy seam for almost 20 years and has never had an accident or injury to an equipment operator due to roof fall.

5. Clearances of less than 6 inches over the tops of equipment completely eliminate vision in the forward or off-side direction after the installation of cabs or canopies, making it imperative

that operators extend their heads beyond equipment sides in order to see at all.

6. A cage or some such protective apparatus attached onto equipment sides for protection of operator's head and cabs or canopies overhead will greatly increase the overall dimensions of machinery.

7. Cabs or canopies in thin coal seams will force equipment operators into reclining and otherwise awkward positions.

8. The awkward positions necessarily assumed, the increased dimensions of equipment, and the almost complete impairment of an operator's vision, will substantially reduce the operator's control over and ability to maneuver the machinery in thin coal seams.

9. Canopies overhead, cages at the sides, and high bumpers at the rear of machinery, make entrance into and exit from equipment decks extremely slow and cumbersome. This creates the possibility of serious or fatal burns if fire is encountered. There is also a very realistic risk of drowning if an operator would steer equipment into a water hole because of control and vision losses.

10. Without adequate roof and rib clearances and substantial vision and control by operators, it will be impossible to prevent some dislodgement of any type of roof support.

11. An unwieldy piece of equipment operated by a person whose movements and vision are greatly restricted poses an imminent danger of injury or death to anyone working in its area of operation.

12. Clearance, control, and good vision are critical to the safe operation of equipment in thin coal seams.

13. This mine is presently on a full timbering plan to prevent roof falls.

14. We respectfully request that cabs and canopies requirements for thin-seam coal mines in the Federal Coal Mine Health and Safety Act be stricken. Hazards created by installation of cabs or canopies far outweigh intended safety benefits.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JULY 16, 1976.

JAMES R. RICHARDS,
Director,

Office of Hearings and Appeals.

[FR Doc. 76-21287 Filed 7-22-76; 8:45 am]

[Docket No. M 76-431]

MOCCASIN MINING CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and

Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Moccasin Mining Co., Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Underground Mine, located in McDowell County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

*** Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. ***

The substance of Petitioner's statement is as follows:

1. At the present time, Petitioner operates the following types of self-propelled electric face equipment at its mines:

(a) Battery Scoop—Elkhorn A.R. 95
(b) Battery Scoop—S & S B.M.U.A.T.

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(c) Roof Bolters—W.R.D.A.J. 6

(d) Cutters—11RU Joy.

2. The height of the coalbed in Petitioner's mines varies from 49 inches at the highest points to less than 40 inches at the lowest points. A minimum of 12 inches vertical clearance from the roof is required to insure that, during operation, face equipment at all times avoids contact with the roof support systems at the working faces of the mines. Therefore, the vertical distance from the floor of the mine in which any electric face equipment can operate is effectively reduced 12 inches from the height of the coalbed at any given point at the working faces of the mines.

3. The use of canopies on certain types of face equipment in certain locations of

Petitioner's mines creates the following safety hazards:

(a) The field of vision of the operator is significantly reduced as a result of the close proximity of the canopy top to the operator's compartment.

(b) The operator's arm and leg movements in operating the equipment are more restricted as a result of reduced space in the operator's compartment.

(c) Operator fatigue is greatly increased as a result of reduced operator compartment space.

4. Petitioner states that it is at present unable to construct itself or to procure from equipment manufacturers canopies, which, if installed on face equipment at Petitioner's mine, will both meet the required structural capacity and at all times allow operation of face equipment without creating the safety hazards herein stated. Petitioner further states there are no new types of designs of face equipment immediately available from equipment manufacturers which eliminate the safety hazards herein stated.

5. Petitioner states that, for the reasons herein set forth, the application of the standard of 30 CFR section 75.1710-1(a) to all face equipment at all locations of Petitioner's mines will in fact result in a diminution of safety to the miners at this mine.

6. Petitioner proposes herein to eliminate the installation of certified canopies on face equipment at Petitioner's mines where such installation is presently impossible without creating the safety hazards herein set forth.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JULY 16, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76-21288 Filed 7-22-76;8:45 am]

[Docket No. M 76-464]

PEGGY-O-COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Peggy-O-Coal Co. has filed a petition to modify the application of 30 CFR 75.1710 to its No. 3 Mine located in Buchanan County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be

provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

*** Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. ***

The substance of Petitioner's statement is as follows:

1. No. 3 Mine is a new mine. The equipment for which modification of 30 CFR 75.1710 is sought includes the following: Epling Spinner loader, Royal cutting machine, Paul Elswick roof bolter, Mescher 4/W/D tractor.

2. The hazards created by installation of canopies include decreased field of vision and lack of mobility. Canopies would have to be built so close to the body of the equipment that the operator's field of vision would be cut in half. The operator of the equipment would be cramped, which in turn would make handling the machinery more difficult. Equipment would drag the top in some areas, damaging the roof bolts and half headers holding the top. The impact of the cab against the top could injure the operator.

3. If the petition is granted, Petitioner will roof bolt haulageways to within 10 feet of the face. Additional training in roof control techniques will be provided. Intensive training in roof control will be provided when hazardous conditions are encountered.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department

of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

JULY 16, 1976.

[FR Doc.76-21289 Filed 7-22-76;8:45 am]

[Docket No. M 76-365]

ROBINSON-PHILLIPS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Robinson-Phillips Coal Co. has filed a petition to modify the application of 30 CFR 75.1710 to its Ace Mine located in Wyoming County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

*** Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. ***

The substance of Petitioner's statement is as follows:

1. Canopies were installed on equipment at this mine with negative results. Due to animosity from the equipment operators, these canopies have been modified on two separate occasions.

2. We contacted the UMWA, Beckley, West Virginia, for assistance in the

matter. MESA of Pineville, West Virginia, was also contacted. A meeting was held on February 23, 1976, at the mine site. Mr. Bernard Shewsbury, safety coordinator, UMW, and Mr. Tom Gunter, Inspector, MESA, were in attendance. We also had Mr. George Stevens, Owner of S. & T. Welding, Pineville, West Virginia, in attendance to discuss modifications of the existing canopies.

3. All advice from this meeting was taken into consideration and we began modifications again to an already twice renovated canopy. The deck of a 21SC Shuttle Car was reworked and new reclining seats were installed. The deck was widened by 4 inches, and due to the height restrictions the canopy had to be lowered 2 inches. Federal and state inspectors determined that the shuttle car as modified was hazardous to the operator and would not permit the machine to be used in its present condition.

4. Animosity from equipment operators makes other modifications not feasible.

REQUEST FOR HEARING OF COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,

Director,

Office of Hearings and Appeals.

JULY 16, 1976.

[FR Doc. 76-21290 Filed 7-22-76; 8:45 am]

[Docket No. M 76-472]

SHARRON COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Sharron Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 6 Underground Mine located in Buchanan County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1,

1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. The equipment for which modification of 30 CFR 75.1710 is requested includes the following: Epling Spinner Loader (26 inches high); Royal Cutting Machine (26 inches high); Royal Roof Bolter (26 inches high); Epling 4/W/D Tractor (26 inches high); Mescher 4/W/D Tractor (24 inches high).

2. The No. 6 Underground Mine is located in the Eagle coal seam, which is 32 to 34 inches thick. The average height of the coal seam in locations where equipment subject to 30 CFR 75.1710 is being used is 32 to 34 inches.

3. The top in this mine is slate. The floor is sandstone.

4. The major hazards posed by installation of cabs or canopies include decreased field of vision for the equipment operator and the cramped position which the canopy would force the operator to assume in order to operate the equipment. This position would make operation of the equipment more difficult. Also, equipment may drag the top and damage the roof bolts and half headers supporting the top. Finally, the operator could be injured by the impact of the cab striking the top.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,

Director,

Office of Hearings and Appeals.

JULY 16, 1976.

[FR Doc. 76-21291 Filed 7-22-76; 8:45 am]

[Docket No. M 76-432]

S & S COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), S & S Coal Co., Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1-A Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. We hereby petition for modification of the application of 30 CFR 75.1710-1 to canopies on haulage equipment, roof bolting machines, loading machine, cutting machine, coal drill, and scoops at the No. 1-A Mine (I.D. No. 1507664), S & S Coal Company, Inc., located at Ransom, Pike County, Kentucky. The equipment at this mine is as follows: two (2) 6SC Shuttle Cars, one (1) 14BU-8 Joy Loading Machine, one (1) 14BU-10 Joy Loading Machine, one (1) 12RB Cutting Machine, one (1) Mobile Coal Drill, and one (1) 74 S & S Scoop.

2. The No. 1-A Mine is in the Alma Rider seam and ranges from 38 to 44 inches in height. The coal seam has consistent ascending and descending grades creating dips in the coalbed.

3. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from getting against the roof and possibly destroying roof support. Also, this only allows a 23-inch vertical operating compartment, thus limiting the field of vision of the equipment operators and creating a hazard to them as well as the other employees in the mine. We feel that because the equipment operators' vision is limited and because of the position required in order to be seated in the decks, that the installation of canopies could be contributing factors to accidents involving machinery and to damage to the roof support at this mine.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

JULY 16, 1976.

[FR Doc.76-21292 Filed 7-22-76;8:45 am]

[Docket No. M 76-204]

STEWART COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Stewart Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 57 Mine, Belcher, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

*** Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner feels that the installation of canopies on its equipment is creating a hazard to the equipment operator.
2. Petitioner's haulage equipment consists of three S & S Scoops, Model 86, and its roof bolting machine is an Acme.
3. The No. S7 Mine is in the Splash Dam seam and ranges from 38 to 48 inches in height. The coal seam has consistent ascending and descending grades creating dips in the coalbed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from getting against the roof and possibly destroying roof support. Also, the canopies only allow a 25-inch vertical operating compartment thus limiting the vision of the equipment operator and creating a hazard to them as well as the other employees in the mine.
4. Petitioner feels that since the equipment operators' vision is obstructed, and the position required in order to be seated in the decks is awkward, that the installation of canopies could be a contributing factor in any accidents which may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

JULY 16, 1976.

[FR Doc.76-21293 Filed 7-22-76;8:45 am]

[Docket No. M 76-433]

SUE COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Sue Coal Company, Inc., has filed

a petition to modify the application of 30 CFR 75.1710 to its No. 8 Mine located in Buchanan County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

*** Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. The equipment for which Petitioner seeks modification of 30 CFR 75.1710 includes the following:

Equipment name:	Over-all height (in inches)
1 Epling loading machine.....	29
1 Royal Cutting Machine.....	31
1 Paul Elswick Roof Bolting Machine.....	28
1 Elkhorn Scoop.....	29
1 Epling Battery Tractor.....	28
1 Mescher Battery Tractor.....	28
2 Wise Battery Tractors.....	28

2. The average height in this coal mine is 42 inches. On the battery tractor haulroad there are places as low as 30 inches, measured by the operator and a MESA inspector.

3. There is no history of roof falls in the face areas or of adverse rib or face conditions in this mine. The equipment operates in entries cut 18 to 20 feet wide.

4. A full roof bolting plan is used employing 42-inch roof bolts on 4 foot centers, cross-wise and length-wise, in all working areas. Additional supports are installed as needed.

5. The safety record of the employees in this mine is excellent and not one lost time accident has occurred in the two (2)

years that we have been operating this mine.

6. Petitioner has not applied to the Assistant Administrator for approval of devices to be used in lieu of canopies or cabs as permitted by 30 CFR 75.1710-1 since the Petitioner is without knowledge of any alternate device which would be safe and otherwise suitable for use in its mine or of devices that will meet the requirements set forth by the Commonwealth of Virginia, Division of Mines and Quarries.

7. Petitioner submits that both canopies and cabs are incompatible with the operations in its mine because of the size of the equipment in relation to the coal seam height, and that installation of canopies, cabs or similar devices would result in such a serious diminution of safety that the mine would not be able to continue to operate. Equipment operators have notified Sue Coal Company, a UMW Contract Mine, that they will not operate this equipment if canopies or cabs are installed.

8. Petitioner does not have an alternate method for achieving the safety results intended by 30 CFR 75.1710-1, but Petitioner maintains that application of 30 CFR 75.1710-1 to Petitioner's mine will result in a diminution of safety to the miners in this mine.

9. Petitioner maintains that the installation of canopies or cabs in relation to power cables and crossbars installed overhead will be of more danger than roof, rib or face conditions in the mine.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,

Director,

Office of Hearings and Appeals.

JULY 16, 1976.

[FR Doc.76-21294 Filed 7-22-76;8:45 am]

[Docket No. M 76-538]

WOLFE COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Wolfe Coal Co. has filed a petition to modify the application of 30 CFR 75.301 to its No. 2 Slope Mine, Pine Grove, Pennsylvania.

30 CFR 75.301 provides:

All active workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon diox-

ide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away, flammable, explosive, noxious, and harmful gases, and dust, and smoke and explosive fumes. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 9,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be 9,000 cubic feet a minute. The minimum quantity of air in any coal mine reaching each working face shall be 3,000 cubic feet a minute. The authorized representative of the Secretary may require in any coal mine a greater quantity and velocity of air when he finds it necessary to protect the health or safety of miners. In robbing areas of anthracite mines, where the air currents cannot be controlled and measurements of the air cannot be obtained, the air shall have perceptible movements.

The substance of Petitioner's statement is as follows:

It is requested that Section 75.301 be modified for this anthracite mine to require, in part, that the minimum quantity of air reaching each working face shall be 1,500 cubic feet a minute, that the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries shall be 5,000 cubic feet a minute, and that the minimum quantity of air reaching the intake end of a pillar line shall be 5,000 cubic feet a minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

This petition requesting modification to 30 CFR 75.301 is submitted for the following reasons:

1. Air sample analysis history reveal that harmful quantities of methane are nonexistent in the mine.

2. Ignition, explosion and mine fire history are nonexistent for the mine.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities in small cross sectional areas of airways and manways required in friable anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

6. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the wet mines which are already uncomfortable.

7. Difficulty in keeping miners on the job and securing additional mine help is due primarily to the conditions cited.

Finally, Petitioner avers that a decision in its favor will in no way provide less than the same measure of protection afforded the miners under the existing standard.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or fur-

nish comments on or before August 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,

Director, Office of
Hearings and Appeals.

JULY 16, 1976.

[FR Doc.76-21295 Filed 7-22-76;8:45 am]

Office of the Secretary

TECHNOLOGY TASK GROUP OF THE COMMITTEE ON ENHANCED RECOVERY TECHNIQUES FOR OIL AND GAS IN THE UNITED STATES NATIONAL PETROLEUM COUNCIL

Meeting

Notice is hereby given for the following meeting:

The Technology Task Group of the National Petroleum Council's Committee on Enhanced Recovery Techniques for Oil and Gas in the United States will meet on Tuesday and Wednesday, August 10 and August 11, 1976, at 9:30 a.m. on August 10 and at 8:30 a.m. on August 11, in the Apollo Room of the Airport-Marina Hotel, Dallas-Fort Worth Airport, Dallas, Texas.

The agenda includes the following items for review and discussion:

1. Results from the economic calculations program.
2. The extrapolation process.
3. Preparations for the first draft of the Task Group report.
4. Future assignments and schedule.
5. Any other matters pertinent to the overall assignment of the Task Group.

The purpose of the National Petroleum Council is to provide to the Secretary of the Interior, upon request, advice, information and recommendations upon any matter relating to petroleum or the petroleum industry.

The meeting will be open to the public to the extent that space and facilities permit. Any member of the public may file a written statement with the Council either before or after the meeting. Interested persons who wish to speak at the meeting must apply to the Council and obtain approval in accordance with its established procedures.

Further information about the meeting may be obtained from Ms. Fran Hanavan, Office of the Assistant Secretary-Energy and Minerals, Department of the Interior, Washington, D.C. (telephone: 343-6226).

Dated: July 19, 1976.

ROBERT L. PRESLEY,
Staff Assistant, Emergency Preparedness Office of the Assistant Secretary, Energy and Minerals.

[FR Doc.76-21317 Filed 7-22-76;8:45 am]

[INT FES 76-39]

COMPOUND PA-14 AVIAN STRESSING AGENT FOR CONTROL OF BLACKBIRDS AND STARLINGS AT WINTER ROOSTS**Availability of Final Environmental Statement**

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a final environmental statement for the use of compound PA-14 avian stressing agent for the control of blackbirds and starlings at winter roosts.

The proposed use of Compound PA-14 Avian Stressing Agent is to control blackbirds and starlings at winter roosts. PA-14 will be used only at those roosts that have been recommended for this technique by personnel of the U.S. Fish and Wildlife Service. PA-14 application will have minimal impact on the various components of the environment when used according to FWS guidelines. The national population of blackbirds will not be adversely affected in view of the proposed use of PA-14.

Copies of the final statement are available at the following locations:

U.S. Fish and Wildlife Service, Animal Damage Control, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Regional Director, U.S. Fish and Wildlife Service, 1500 N.E. Irving Street, Portland, Oregon 97208.

Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 47103.

Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Regional Director, U.S. Fish and Wildlife Service, 27 Executive Park Drive, NE, Atlanta, Georgia 30329.

Regional Director, U.S. Fish and Wildlife Service, John M. McCormack Post Office & Courthouse, Boston, Massachusetts 02109.

Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25488, Denver Federal Center, Denver, Colorado 80223.

Single copies may be obtained by writing the Program Coordinator, Animal Damage Control, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Dated: July 19, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary,
Program Development and Budget.

[FR Doc.76-21371 Filed 7-22-76; 8:45 am]

[INT FES 76-37]

WILDERNESS AREA, BLACK CANYON OF THE GUNNISON NATIONAL MONUMENT, COLORADO**Notice of Availability of the Supplement to Final Environmental Statement**

Pursuant to Section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a supplement to the final environmental statement for proposed wilderness in Black Canyon of the Gunnison National Monument, Colorado.

The supplement considers the addition of 2,400 acres to the original wilderness proposal so that the total acreage now recommended for wilderness in Black Canyon of the Gunnison National Monument is 11,180 acres or 82 percent of the total area of the monument. The additional 2,400 acres encompasses zones along the northwest and southeast boundaries of the monument which had been reserved for management purposes. On reconsideration, these areas are not considered to be needed for management and, therefore, should be designated wilderness.

No alternatives are considered other than those presented in the final environmental statement (FES 73-56).

Copies of the supplement to the final environmental statement are available from, or for inspection at, the following locations:

Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, Post Office Box 25287, Denver, Colorado 80225.

Conservation Library of the Denver Public Library, 1357 Broadway, Denver, Colorado 80203.

Superintendent, Black Canyon of the Gunnison National Monument, Post Office Box 1648, Montrose, Colorado 81401.

Dated: July 7, 1976.

RONALD G. COLEMAN,
Assistant Secretary of the Interior.

[FR Doc.76-21351 Filed 7-22-76; 8:45 am]

**Bureau of Reclamation
PROCUREMENT ACTIONS
Advance Legal Review**

In 41 CFR 14-1.352, published at 40 FR 57670 and 57671 on December 11, 1975, the Department of the Interior set forth its policy that selected procurement actions will be reviewed for legal sufficiency by the Office of the Solicitor. Bureaus and offices in the Department were to develop implementing procedures.

This notice provides a general statement of Bureau of Reclamation policy and procedures for implementing 41 CFR 14-1.352.

DEFINITION

As used herein the term "legal review" means review of pertinent procurement documents for legal sufficiency by the cognizant office of the Solicitor.

TIMELINESS

Contracting officers shall request legal review a sufficient time in advance of taking the action indicated. Five working days is established as the normal time required for legal review, such 5 days being exclusive of the time required for transmittal of documents. However, this time may be increased or decreased by agreement of the appropriate attorney and contracting officer, depending upon the urgency or the complexity of the particular case.

CRITERIA FOR LEGAL REVIEW

1. Contracting officers shall request legal review prior to issuance of solicitations (Invitations for Bids and Requests for Proposals) and resulting contracts

for the procurement of supplies, services, or construction estimated to cost in excess of the amounts set forth below.

a. Formally advertised procurements (including small business restricted advertising procurements) in excess of \$200,000, and modifications to resulting contracts in excess of \$200,000. However, Regional Directors will reach agreement with the cognizant Regional or Field Solicitor to insure legal review of a representative sample of procurements in the \$50,000 to \$200,000 range.

b. Negotiated procurements (including those negotiated under section 8(a) of the Small Business Act) in excess of \$25,000, and modifications to resulting contracts in excess of \$25,000.

c. Procurements of amounts less than those stated in a. and b. above when the contracting officer and the appropriate attorney agree that additional legal review would be desirable.

2. Contracting officers shall request legal review of pertinent documents in the following circumstances:

a. When there are apparent or suspected irregularities in precontract documents such as bids, proposals, or bonds; or when there are any unusual circumstances which might affect the legality of the proposed action.

b. Prior to acceptance of a novation or change of name agreement; or of a notice of assignment, an assignment, or a release of assignment, pursuant to the Assignment of Claims Act of 1940, as amended.

c. Prior to release of any communication or contracting officer's report relative to a protest, an alleged mistake in bid, or a determination of bidder non-responsibility.

d. Prior to execution of a findings of fact and final decision made pursuant to a contract Disputes clause, notices of termination, cure notices, show cause letters, suspension orders, or other documents which may have special legal effect.

3. Contracting officers are encouraged to seek the advice of the cognizant Regional or Field Solicitor on other legal matters.

MODIFICATION OF THE POLICY

This policy may be modified by written agreement between the Associate Solicitor for General Law and the Commissioner of Reclamation.

GILBERT G. STAMM,
Commissioner of Reclamation.

JULY 16, 1976.

[FR Doc.76-21369 Filed 7-22-76; 8:45 am]

DEPARTMENT OF AGRICULTURE**Farmers Home Administration**

[Notice of Designation Number A359]

MICHIGAN**Designation of Emergency Areas**

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Delta County, Michigan, as a result of drought beginning June 16 through August 20, 1975.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor William G. Milliken that such designation be made.

Applications for emergency loans must be received by this Department no later than September 9, 1976, for physical losses and April 11, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 15th day of July 1976.

FRANK W. NAYLOR, JR.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.76-21337 Filed 7-22-76;8:45 am]

Forest Service

LAKE-Forest ENTERPRISES, INC. SUPERIOR NATIONAL FOREST

Proposed Land Exchange; Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for a Proposed Land Exchange with Lake-Forest Enterprises, Inc., in the Superior National Forest, USDA-FS-DES(Adm) 76-08.

The environmental statement concerns a proposed land exchange between Lake-Forest Enterprises, a land agent for Erle Mining Company, and the United States.

This draft environmental statement was transmitted to CEQ on July 15, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. & Independence Ave. SW., Washington, D.C. 20250.

USDA, Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.

USDA, Forest Service, Superior National Forest, Federal Building, Duluth, Minnesota 55801.

A limited number of single copies are available upon request to Forest Supervisor, Superior National Forest, Federal Building, Duluth, Minnesota 55801.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Written comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for

which comments have not been requested specifically.

Written comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Superior National Forest, Federal Building, Duluth, Minnesota 55801. Written comments must be received by September 15, 1976, in order to be considered in the preparation of the final environmental statement.

ROY FEUCHTER,
Acting Deputy Chief,
Forest Service.

JULY 15, 1976.

[FR Doc.76-21336 Filed 7-22-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee will be held on Tuesday, August 17, 1976, at 9:00 a.m., in Room 4833, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer peripherals, components and related test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has four parts:

GENERAL SESSION

- (1) Opening remarks by the Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Discussion of the work program, including classification methods for foreign availability and technical classifications.

EXECUTIVE SESSION

- (4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (40 FR 59462 appearing in the issue of December 24, 1975).

RAUER H. MEYER,
Director, Office of Export Administration,
Bureau of East-West Trade,
Department of Commerce.

[FR Doc.76-21254 Filed 7-22-76;8:45 am]

CASE WESTERN RESERVE UNIVERSITY OFFICE OF IMPORT PROGRAMS

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their

views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before August 16, 1976.

Amended regulations issued under cited Act (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00452. Applicant: Case Western Reserve University, 2040 Adelbert Road, Cleveland, Ohio 44106. Article: Electron Microscope, Model JEM-100C, Haskris Water recirculator and universal Goniometer. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of biological materials including a variety of macromolecules such as enzymes and nucleic acids as well as more complex biological structures including viruses, membranes, intracellular organelles and cellular sections. Experiments with enzymes will include the examination of a number of multi-subunit enzymes in their native condition and after cross-linking with chemical agents in the dimethyl suberimidate type, or when possible with ultraviolet natural agents such as the reaction of avidin with biotin enzymes. Other experiments will involve the interaction of enzymes with specific antibodies prepared against the entire enzyme or specific parts of the enzyme. Application received by Commissioner of Customs: June 25, 1976.

Docket number: 76-00453. Applicant: Richard B. Russell Agricultural Center Agricultural Research Service/USDA, P.O. Box 5677, Athens, Georgia 30604. Article: NMR Spectrometer System, Model JNM-PS/PFT-100. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in experiments in which the following objectives will be pursued:

- Determination of the structural features of the polymeric compounds which are the cell wall constituents affecting digestibility.
- Structural elucidation of beneficial and/or deleterious biologically active constituents in forages and feeds.
- Determination of the sites of silica deposition in plants and elucidation of the process of silica deposition.
- Identification and determination of pesticide residues and metabolites in forages, feeds, and animals ingesting forages and feeds.
- Elucidation of protein structure conformation, and
- Evaluation of the nature of polymer cross-linking in cell wall constituents.

Application received by Commissioner of Customs: June 25, 1976.

Docket Number: 76-00454. Applicant: Texas A&M University, Tx. Veterinary Medical Diagnostic Lab., P.O. Drawer 3040, College Station, Texas 77840. Article: Electron Microscope, Model EM 301 and accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. The article is intended to be used for the study of viruses in tissue culture systems and clinical material, determination of surface structures of certain bacterial and determination of diagnostic criteria for a variety of pathological conditions. Application received by Commissioner of Customs: June 25, 1976.

Docket number: 76-00455. Applicant: Oklahoma State University, Department of Geology, 151 Physical Science II Building, Stillwater, Oklahoma 74074. Article: Broadband Scintillation Counter, Model BGS-18. Manufacturer: Scintrex Limited, Canada. Intended use of article: The article is intended to be used in investigations of bedrocks and outcrops for evaluation of the uranium potential in Oklahoma. The article will also be used for identification of minerals with emphasis on radioactive species. Application received by Commissioner of Customs: June 29, 1976.

Docket number: 76-00456. Applicant: University of Rochester School of Medicine and Dentistry, 601 Elmwood Avenue, Rochester, N.Y. 14642. Article: Oscilloscope Recording Camera, Model PC-2A and accessories. Manufacturer: Baytronix Ltd., Canada. Intended use of article: The article is intended to be used as a unique teaching device in echocardiography in which trainees have an opportunity to study many variations in ultrasonic patterns of the heart and to develop an in-depth understanding of cardiac disease and function. The article will also be used to carry out active clinical research programs some of which has resulted in the publication of over 70 scientific papers and a textbook on echocardiography. Application received by commissioner of customs: June 29, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director.

Special Import Programs Division.

[FR Doc.76-21346 Filed 7-22-76; 8:45 am]

Maritime Administration

CONSTRUCTION OF INTEGRATED TUG/BARGE TYPE VESSELS, MA DESIGN IB5-MT-121a

Computation of Foreign Costs

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended, to compute the estimated foreign cost of the construction of integrated tug/barge type vessels, MA Design IB5-MT-121a.

Any person, firm or corporation having any interest (within the meaning of sec-

tion 502(b)) in such computations may file written statements by the close of business on August 13, 1976, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Streets, N.W., Washington, D.C. 20230.

By Order of the Maritime Subsidy Board Maritime Administration.

Dated: July 19, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-21420 Filed 7-22-76; 8:45 am]

CONSTRUCTION OF 125,000 CUBIC METER LIQUEFIED NATURAL GAS (LNG) VESSELS MA DESIGN LG8-S-102a

Recomputation of Foreign Cost

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936 as amended, to recompute the estimated foreign cost of construction of 125,000 cubic meter liquefied natural gas (LNG) vessels, MA Design LG8-S-102a, since there has been a significant change in shipbuilding market conditions since the previous determination of estimated foreign cost was made.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on August 20, 1976, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th & E Streets, N.W., Washington, D.C. 20230.

By Order of the Maritime Subsidy Board, Maritime Administration.

Dated: July 19, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-21419 Filed 7-22-76; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Federal Council on the Aging

RESEARCH AND MANPOWER COMMITTEE

Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93-29) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to Pub. L. 92-463 that the Council's Research and Manpower Committee will meet on August 17, 1976, from 9:30 a.m. to 4 p.m., in Room 1844, New Federal Office Building, 915 Second Ave., Seattle, Washington 98174. The agenda will consist of:

Status and Plans for Health Manpower Project; Critique of 1971 White House Conference on Aging Recommendations; Review of Recommendations for Services to the Frail Elderly; Status of HEW Research in Aging Plan and Committee Plans for 1976.

This meeting will be open for public observation.

Further information on the Council may be obtained from: Cleonice Tavani, Executive Director, Federal Council on the Aging, Washington, D.C. 20201, telephone: (202) 245-0441.

CLEONICE TAVANI,
Executive Director,
Federal Council on the Aging.

[FR Doc.76-21334 Filed 7-22-76; 8:45 am]

Food and Drug Administration

[Docket No. 75N-0262; DESI 9698 and 12301]

MEPROBAMATE AND CHLORDIAZEPOXIDE Drugs for Human Use: Drug Efficacy Study Implementation; Amended Notice

A notice (DESI 9698; Docket No. FDC-D-227 (now Docket No. 75N-0262); NDA 9-698 etc.) was published in the FEDERAL REGISTER of September 19, 1970 (35 FR 14663) concerning, among other things, the labeling conditions for meprobamate. A subsequent notice (DESI 12301; Docket No. FDC-D-262 (now Docket No. 75N-0262); NDA 12-301) was published in the FEDERAL REGISTER of July 11, 1972 (37 FR 13562) concerning, among other things, the labeling conditions for chlordiazepoxide and chlordiazepoxide hydrochloride. The products are used for the relief of anxiety and tension. Warnings in the labeling of all such products have previously been required concerning use in pregnancy. The pregnancy warning for meprobamate, chlordiazepoxide, chlordiazepoxide hydrochloride, and related benzodiazepine products is now being revised to include a warning concerning the possible development of congenital malformations when such products are taken early in pregnancy.

Reports in the medical literature suggest an association between the use of meprobamate, chlordiazepoxide, or the related drug product diazepam during the first trimester of pregnancy and the occurrence of congenital malformations.

One study (Ref. 1) determined the incidence of severe congenital anomalies in children whose mothers had received meprobamate, chlordiazepoxide (Librium), other drugs, or no drugs for anxiety during pregnancy. This retrospective study of the records of mothers in these four treatment groups covered 19,044 live births. The rate of anomalies when meprobamate was prescribed during the first 6 weeks of pregnancy was higher (12.1 per 100) than when an other drug (4.6 per 100; $p < 0.05$) or no drug (2.6 per 100; $p < 0.03$) was given. For chlordiazepoxide, the rate following exposure during the same period was 11.4 per 100, also greater than the rates for other drugs ($p < 0.13$) or no drug

($p < 0.08$). When the drugs were given later in pregnancy, no differences were seen in incidence of anomalies among the four groups.

A second study (Ref. 2) reported an association of oral clefts with tranquilizer use during pregnancy. It compared use in mothers of 590 children with oral clefts, reported by the Finnish Register of Congenital Malformation for 1967 to 1971, with use in matched controls. Intake of meprobamate, diazepam (Valium), and related compounds was significantly more frequent during the first trimester among study mothers than controls, viz, antianxiety agents 6.2 percent in study mothers vs. 2.9 percent in control mothers.

A third study, (Ref. 3) conducted in the Atlanta area, was based on interviews of 278 mothers of children with selected birth defects who had been exposed to certain drugs during the first trimester of pregnancy. Mothers of infants with cleft lip, with or without cleft palate, reported use of diazepam 4 times more frequently than mothers of infants with other defects. For other categories of defects, there was not significant difference between those who used the drug in the first trimester and the rest of the group.

The Commissioner recognizes that these findings are not conclusive and that a fourth study (Ref. 4), of different design, did not confirm them. He nevertheless concludes that the labeling for meprobamate and benzodiazepine drugs including diazepam and chlordiazepoxide should warn physicians of the reported association, as well as note that the use of these minor tranquilizers during pregnancy is rarely a matter of urgency and should therefore almost always be avoided.

REFERENCES

1. Milkovich, L. and B. J. van den Berg, "Effects of Prenatal Meprobamate and Chlordiazepoxide Hydrochloride on Human Embryonic and Fetal Development," *New England Journal of Medicine* 291:1268-1271, 1974.
2. Saxen, I., "Association Between Oral Clefts and Drugs Taken During Pregnancy," *International Journal of Epidemiology* 4(1): 37-44, 1975.
3. Safra, M. J. and G. P. Oakley, Jr., "Association of Cleft Lip With or Without Cleft Palate and Prenatal Exposure to Diazepam," *The Lancet* 2:478-480, 1975.
4. Hartz, S. C., O. P. Heinonen, S. Shapiro, V. Siskind, and D. Slone, "Antenatal Exposure to Meprobamate and Chlordiazepoxide in Relation to Malformations, Mental Development, and Childhood Mortality," *New England Journal of Medicine* 292:726-728, 1975.

Copies of these references are available for public examination in the office of the Hearing Clerk, Food and Drug Administration Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852 and may be seen during working hours Monday through Friday.

Accordingly, the labeling for preparations containing meprobamate, chlordiazepoxide, and chlordiazepoxide hydrochloride, shall include in the Warnings section the following warning concerning

use in pregnancy which shall be in bold-face type and conspicuously set apart from the rest of the warnings:

For meprobamate the section currently entitled "Usage in Pregnancy and Lactation" shall be revised to read:

USAGE IN PREGNANCY AND LACTATION

An increased risk of congenital malformations associated with the use of minor tranquilizers (meprobamate, chlordiazepoxide, and diazepam) during the first trimester of pregnancy has been suggested in several studies. Because use of these drugs is rarely a matter of urgency, their use during this period should also always be avoided. The possibility that a woman of childbearing potential may be pregnant at the time of institution of therapy should be considered. Patients should be advised that if they become pregnant during therapy or intend to become pregnant they should communicate with their physicians about the desirability of discontinuing the drug.

Meprobamate passes the placental barrier. It is present both in umbilical cord blood at or near maternal plasma levels and in breast milk of lactating mothers at concentrations two to four times that of maternal plasma. When use of meprobamate is contemplated in breast-feeding patients, the drug's higher concentrations in breast milk as compared to maternal plasma levels should be considered.

For chlordiazepoxide and chlordiazepoxide hydrochloride the "Usage in Pregnancy" section shall be revised to read:

USAGE IN PREGNANCY

An increased risk of congenital malformations associated with the use of minor tranquilizers (chlordiazepoxide, diazepam, and meprobamate) during the first trimester of pregnancy has been suggested in several studies. Because use of these drugs is rarely a matter of urgency, their use during this period should almost always be avoided. The possibility that a woman of childbearing potential may be pregnant at the time of institution of therapy should be considered. Patients should be advised that if they become pregnant during therapy or intend to become pregnant they should communicate with their physicians about the desirability of discontinuing the drug.

Appropriate revision of labeling to add the above statement shall be made on or before September 21, 1976, or at the next printing of the labeling, whichever occurs first.

Persons holding new drug applications for diazepam and other benzodiazepine products, which are post-1962-approved drugs and not in the Drug Efficacy Study, will be advised by correspondence from the Bureau of Drugs of the need for similarly revised labeling.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053, as amended (21 U.S.C. 352, 355)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 7, 1976.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.76-21307 Filed 7-22-76; 8:45 am]

[Docket No. 76N-0225; DESI 5010]

**MEPERIDINE HYDROCHLORIDE
TABLETS AND ELIXIR****Drugs for Human Use; Drug Efficacy Study
Implementation; Followup Notice and
Opportunity for Hearing**

In a notice (DESI 5010; Docket No. FDC-D-228 (now Docket No. 76N-0225)) published in the FEDERAL REGISTER of December 23, 1970 (35 FR 19533), the Food and Drug Administration announced its conclusions that the drug products described below are effective for the relief of moderate-to-severe pain, probably effective for preoperative medication, and lacking substantial evidence of effectiveness as a spasmolytic and for the support of anesthesia. The notice also offered an opportunity for a hearing concerning the indications concluded at that time to lack substantial evidence of effectiveness. The manufacturer of the drug deleted from the labeling of the drug both the probably effective indication and the indications lacking substantial evidence of effectiveness. No person has submitted any data in support of the probably effective indication and that indication is now reclassified as lacking substantial evidence of effectiveness. This notice offers an opportunity for a hearing concerning that indication and sets forth the conditions for marketing the drug for the indication for which it continues to be regarded as effective. Persons who wish to request a hearing may do so on or before August 23, 1976.

The notice that follows does not pertain to the indications stated in the notice of December 23, 1970, to lack substantial evidence of effectiveness. No person requested a hearing concerning them and they are no longer allowable in labeling. Any such product labeled for those indications is subject to regulatory action.

NDA 5-010; Demerol Hydrochloride Tablets and Elixir, each containing meperidine hydrochloride; Winthrop Laboratories, Division of Sterling Drug Inc., 90 Park Ave., New York, NY 10016.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder of the new drug application specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing

to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug is effective for the indications listed in the labeling conditions below. The drug now lacks substantial evidence of effectiveness for the indication evaluated as probably effective in the notice of December 23, 1970.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug is in tablet or elixir form suitable for oral administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The indication is as follows:

For the relief of moderate-to-severe pain.

3. *Marketing status.* a. Marketing of such drug products which are now the subject of an approved or effective new drug application may be continued provided that, on or before September 21, 1976, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.11(a)(5), demonstrating the effectiveness of the drug for the indications lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder of the new drug application, and to all other in-

terested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application and all amendments and supplements thereto providing for the indications lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product, evaluated together with the evidence available to him at the time of approval of the application, shows there is a lack of substantial evidence that the drug product will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application supplemented, in accord with this notice, to delete the claims lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201 (p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before August 23, 1976, a written notice of appearance and request for hearing, and (2) on or before September 21, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a

hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 5010, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (Identify with NDA number): Division of Neuropharmacological Drug Products (HFD-120), Rm. 10B-34, Bureau of Drugs.

Original abbreviated new drug applications (Identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Request for Hearing (Identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC-20), Rm. 4-65.

Request for the report of the National Academy of Sciences-National Research Council: Data Preparation Branch (HFD-614), Division of Drug Information Resources, Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-101), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: July 16, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76-21309 Filed 7-22-76; 8:45 am]

Health Resources Administration HEALTH SYSTEMS AGENCY Application Information

Notice is hereby given that application materials are available in DHEW Regional Offices for entities interested in applying for designation as Health Systems Agencies (HSAs) in the health service areas listed herein under the National Health Planning and Resources Development Act of 1974 (Public Law 93-641).

The National Health Planning and Resources Development Act of 1974 added a new Title XV, "National Health Planning and Development," to the Public Health Service Act. Among other things, the new Title XV authorizes the Secretary to enter into agreements with eligible entities for the designation of such entities as Health Systems Agencies for health service areas established pursuant to section 1511 of the Public Health Service Act as geographic regions appropriate for the effective planning and development of physical and mental health services and to provide grant assistance to such agencies. Each such Health Systems Agency shall have as its primary responsibility the provision of effective health planning for its health service area and the promotion of the development within the area of health services, manpower and facilities which meet identified needs, reduce documented inefficiencies and implement the health plans of the agency.

On November 17, 1975, and subsequently on February 3, 1976, and May 7, 1976, the Department published notices in the FEDERAL REGISTER dealing with HSA Application Information and setting forth the review cycles for review of applications for designation and funding of Health Systems Agencies for designated health service areas.

The purpose of this notice is to announce a special designation cycle for: (1) health service area 9 in the State of Illinois which could not meet the time constraints of the previous cycle and (2) health service area 6 in the State of Ohio for which competing second cycle applications have been disapproved, and (3) health service area 1 comprising the entire State of Mississippi which was not able to resolve programmatic issues of competing applications in the previous cycle.

Those entities interested in applying for designation during this special cycle must file a letter of intent to apply for such designation with the appropriate

DHEW Regional Office by July 30, 1976, and an application by August 30, 1976. The deadline for submission of Governors' comments will be September 30, 1976.

Application materials and further information may be obtained from the Regional Health Administrators whose addresses are listed below:

DHEW Regional Office IV, 50 Seventh Street, NE., Atlanta, Georgia 30323.

DHEW Regional Office V, 300 S. Wacker Drive, Chicago, Illinois 60606.

Dated: July 20, 1976

KENNETH M. ENDICOTT,
Administrator,
Health Resources Administration.

[FR Doc.76-21425 Filed 7-22-76; 8:45 am]

National Institutes of Health CANCER CONTROL AND REHABILITATION ADVISORY COMMITTEE Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the Cancer Control and Rehabilitation Advisory Committee—Subcommittee on Prevention, National Cancer Institute, August 5, 1976, National Institutes of Health, Blair Building, Conference Room 110, which was published in the FEDERAL REGISTER on July 7, 1976, 41 FR 27859.

Dated: July 19, 1976.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.76-21355 Filed 7-22-76; 8:45 am]

CANCER CONTROL AND REHABILITATION INTERAGENCY COORDINATING COMMITTEE Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the Interagency Coordinating Committee for Cancer Control and Rehabilitation, National Cancer Institute, August 12, 1976, National Institutes of Health, Building 31, Conference Room 8, which was published in the FEDERAL REGISTER on July 8, 1976, 41 FR 27996.

Dated: July 19, 1976.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.76-21356 Filed 7-22-76; 8:45 am]

THE REVIEW OF THE FIELD OF IMMUNOLOGY FOR APPLICATION TO CANCER CAUSE AND PREVENTION (NCI EXTRA-MURAL PROGRAM)

Meeting

Notice is hereby given of the Workshop on Review of the Field of Immunology for Application to Cancer Cause and Prevention sponsored by NCI, DCBD, to be held September 27, 1976 in the Landow Building, conference room C-418.

This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on September 27, 1976 to review and discuss potential applications of immunology to studies of cancer cause and prevention, and to provide program guidance for an expanded effort in this field. Attendance by the public will be limited to space available.

For additional information, please contact: Dr. George M. Steinberg, Building 10 Room 4B09, National Institutes of Health, Bethesda, Maryland 20014 (phone 301/496-1791).

Dated: July 13, 1976.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.76-21357 Filed 7-22-76;8:45 am]

NATIONAL COMMISSION ON DIABETES Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the National Commission on Diabetes, September 29-30, 1976, in Building 31, C Wing, Conference Room 8, National Institutes of Health, Bethesda, Maryland.

The entire meeting will be open to the public from 9:00 a.m. to 5 p.m. both days. The final draft of the 1976 Update of the Long-Range Plan to Combat Diabetes will be reviewed.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.847, National Institutes of Health)

Dated: July 19, 1976.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.76-21358 Filed 7-22-76;8:45 am]

NATIONAL COMMISSION ON DIABETES Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the National Commission on Diabetes, September 9-10, 1976, in Building 31, rooms listed below, National Institutes of Health, Bethesda, Maryland.

On September 9 from 9 a.m. to 5 p.m. and on September 10 from 9 a.m. to 12:30 p.m. five individual groups of the Commission will be working on drafting the 1976 Update of the Long-Range Plan to Combat Diabetes, in the following rooms:

Research Section, Room 2C-35.
Diabetes Research and Training Centers, Room 9A-52B.
Education, Treatment, and Control Section, Room 5A-16.
Voluntary Health Agencies Section, Room 6A-21.
Budget Update Section, Room 9A-51.

From 1:30 p.m. to 5 p.m. on September 10 the entire Commission will meet as a

group for a business meeting in Conference Room 7, C wing, Building 31. The entire meeting will be open to the public from 9 a.m. to 5 p.m. both days.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting and rosters of the committee members.

Dated: July 19, 1976.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.847, National Institutes of Health)

[FR Doc.76-21359 Filed 7-22-76;8:45 am]

CONTRACEPTIVE EVALUATION RESEARCH CONTRACT REVIEW COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Contraceptive Evaluation Research Contract Review Committee, National Institute of Child Health and Human Development, September 27, 1976, Building 31, Conference Room 7, National Institutes of Health, Bethesda, Maryland.

The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on September 27 for the review of the current program, to discuss plans for new contracts and the budget FY 1977. Attendance by the public will be limited to space available.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1848, will provide summaries of the meeting and rosters of the committee members.

Dr. Heinz W. Berendes, Chief, Contraceptive Evaluation Branch, Center for Population Research, NICHD, Landow Building, Room A-716, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-4924, will provide substantive program information.

Dated: July 19, 1976.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.864, National Institutes of Health)

[FR Doc.76-21360 Filed 7-22-76;8:45 am]

ENZYME LINKED IMMUNO SPECIFIC ASSAY (ELISA) FOR INFECTIOUS AGENTS Meeting

Notice is hereby given of a change in the meeting on Enzyme Linked Immuno Specific Assay (ELISA) for Infectious Agents, National Institute of Neurological and Communicative Disorders and Stroke, on September 9 and 10, 1976, in Building 31, Conference Room 8, NIH, Bethesda, MD 20014, which was pub-

lished in the FEDERAL REGISTER on July 7, 1976 (41 FR 27858).

This meeting site has been changed to Building 1, Wilson Hall, NIH, Bethesda, MD 20014. The dates and times remain the same.

Dated: July 13, 1976.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.76-21361 Filed 7-22-76;8:45 am]

PUBLIC ADVISORY COMMITTEES Renewal

Notice is hereby given of a change in the committee listing of renewed NIH public advisory committees published in the FEDERAL REGISTER on July 15, 1976 (41 FR 29205-29206).

The Neurological Diseases and Stroke Science Information Program Advisory Committee was incorrectly listed. The correct title of the committee is the Neurological and Communicative Disorders and Stroke Science Information Program Advisory Committee.

Dated: July 19, 1976.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.76-21362 Filed 7-22-76;8:45 am]

CIVIL SERVICE COMMISSION DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Assistant Secretary for Economic Development, Office of the Assistant Secretary for Economic Development, Economic Development Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.76-21006 Filed 7-20-76;8:45 am]

DEPARTMENT OF JUSTICE Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Staff Assistant, Office of the Assistant Attorney General, Criminal Division.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.76-21007 Filed 7-20-76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Additions

Notice of Proposed Addition to Procurement List 1976, November 25, 1975 (40 FR 54742) of the service listed below was published in the FEDERAL REGISTER on June 11, 1976 (41 FR 23748).

After consideration of all the relevant data presented, the Committee has determined that this service is suitable for procurement by the Government under Public Law 92-28, 85 Stat. 77. Accordingly, it is hereby added to the Procurement List.

Standard Industrial Class 7349

Janitorial/Custodial, Naval Air Station, Whidbey Island, Buildings 243, 374, 375, 376, 377, and 2551, Oak Harbor, Washington.

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc. 76-21365 Filed 7-22-76; 8:45 am]

PROCUREMENT LIST 1976

Proposed Additions

Notice is hereby given pursuant to Section 2(a) (2) of Public Law 92-28; 85 Stat. 77, of the proposed additions of the following commodities and service to Procurement List 1976, November 25, 1975 (40 FR 54742).

Class 7510

Binder, Awards Certificate, 7510-00-115-3250.

Class 7530

Pad, Writing Paper, 7530-00-285-3083, 7530-00-285-3088, 7530-00-285-3090, 7530-00-239-8479.

All above for GSA Region 3 only.

Class 8465

Carrier, Intrenching Tool, Plastic, 8465-00-001-6474.

Class 9920

Ash Receiver, Tobacco, 9920-00-285-7974.

Standard Industrial Class 7699

Mattress & Box Spring Rehabilitation (GSA Region 2).

Comments and views regarding these proposed additions may be filed with the Committee not later than 30 days after the date of this Federal Register. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc. 76-21366 Filed 7-22-76; 8:45 am]

PROCUREMENT LIST 1976

Proposed Additions; Corrections

In FR Doc. 76-20553, appearing at page 29472 in the issue for Friday, July 16, 1976, the third national stock number is changed to read 7530-00-285-3090.

In FR Doc. 76-20554, appearing at page 29472 in the issue for Friday, July 16, 1976, the second national stock number is changed to read 7520-00-290-8445.

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc. 76-21367 Filed 7-22-76; 8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from July 12, 1976 through July 16, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (September 6, 1976) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, (202) 447-3965.

FOREST SERVICE

Draft

Superior National Forest, Proposed Land Exchange, St. Louis, Cook, and Lake Counties, Minn., July 16: Proposed is a land-for-land exchange of 7,003.72 acres of land held by Lake-Forest Enterprises, Inc., a land agent for Erie Mining Company, for 3,748.58 acres of land in the Superior National Forest, Erie Mining Company proposes to dam a portion of the Upper Partridge River. The lands proposed for transfer to the National Forest are wild, undeveloped forest lands. The transfer would result in additional lake and river frontage, timber wolf habitat, and consolidation of public lands. Adverse effects include inundation of a forest environment. (ELR Order No. 01053).

Santa Rosa Unit, Humboldt National Forest, Humboldt County, Nev., July 12: Proposed is a land use plan for Santa Rosa Range District designed to improve management of the resources by constructing water developments and fences and by manipulating the vegetation so as to develop further the rangeland. The statement says the plan will not cause major adverse effects although there will be some impact on soil, water quality, vegetation and some wildlife. (ELR Order No. 61018).

Massanutten Unit 1, George Washington National Forest, several counties in Va., July 15: The action proposed is a 10-year management plan for Massanutten Unit, George Washington National Forest. The plan includes timber harvesting, road construction, and land acquisition and emphasizes dispersed recreation opportunities and protection of soil, air, and water quality. If implemented, the plan would result in soil movement from harvesting and construction, the visual impact of tree removal, and increased potential for pollution and vandalism from increased public use. (ELR Order No. 61030).

Final

North Catahoula-South Winn Unit, Kisatchie National Forest, Grant and Winn Parishes, La., July 13: The statement proposes a ten year management plan for the North Catahoula-South Winn Unit, Kisatchie National Forest, for approximately the period from 1976 to 1986. This unit contains 104,395 acres of National Forest land located in Grant and Winn Parishes, Louisiana. Major actions include harvesting of timber products, development of wildlife and range facilities, development of recreation facilities and reconstruction of roads. Adverse impacts will be caused by construction of roads and disturbances by off-road vehicles. Comments made by: USDA, DOI, and EPA. (ELR Order No. 61016).

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Combustion Turbineplant, Basin Electric Power Corp., Clay County, N. Dak., July 21: Proposed is the construction of two combustion turbines at a site near Vermillion. The turbines will be utilized for peaking generation to aid in meeting the seasonal peak loads. Adverse impacts would be exhaust emissions, noise level increases, and loss of agricultural land. (ELR Order No. 61014).

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 967-4335.

ECONOMIC DEVELOPMENT ADMINISTRATION

Draft

Carroll-Boone Regional Water System, Carroll and Boone Counties, Ark., July 16: Proposed is the construction of a water supply system for Carroll and Boone Counties. The system will include a raw water intake structure on Beaver Reservoir, a pump station, a water treatment plant, several storage tanks, and about 69 miles of water transmission line. If implemented the plan will result in changes in existing land use patterns in the area, loss of some trees and vegetation, increased erosion and siltation, loss of some wildlife and its habitat, and increases in traffic, noise level, air emissions, industrial and domestic wastes, and congestion. (ELR Order No. 61044).

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, (202) 693-6795.

Draft

Theodore Channel Extension, Mobile Bay (2), Ala., July 15: The statement refers to

the modification of the existing Federal project to provide for a diagonal channel alignment in Mobile Bay. The action now proposed would modify the shoreline anchorage area to include an anchorage and turning basin 40 feet deep, 1,200 feet wide, and 2,200 feet long. The project would result in noise, air, and water pollution, as well as the loss of benthic organisms and loss of terrestrial and marine habitats. (ELR Order No. 61029).

Upper Susitna R. Basin, Hydroelectric Power (2), Alaska, July 15: Proposed is the construction of dams on the Upper Susitna River at Watana and Devil Canyon, powerplants, electric transmission facilities to the Railbelt load centers, access roads, and permanent operating and recreational facilities. The project would utilize a renewable resource to produce projected power needs of the Railbelt area equivalent to the annual consumption of 15 million barrels of oil. Some of the negative impacts would be impairment of visual quality, loss of vegetation and habitat, increased pressures on wildlife, limitations in land use, and temporary degradation of air, water, and vegetation. (Alaska District). (ELR Order No. 61036).

White Bluff Steam Electric Station, Ark., July 15: The statement discusses the issuance of a Department of the Army permit for construction of a water intake structure, a clean water holding pond dike and a clean water holding pond spillway as required for the proposed coal-fired White Bluff Steam Electric Station to be located near Redfield, Arkansas. Negative effects include increased levels of atmospheric pollution, increased traffic during construction, loss of wildlife and discharge of heated water containing concentrated levels of dissolved solids to the Arkansas River. (Little Rock District). (ELR Order No. 61035).

Lahaina Small-Boat Harbor, Maui County, Hawaii, July 16: Proposed is the construction of a small-boat harbor near Lahaina, Hawaii. The harbor was authorized by Congress in the River and Harbor Act of 1965. The 270-300 slip harbor will be located outside of the Lahaina National Historic District. Adverse effects include the destruction of area surfing, the relocation of human remains and archaeological artifacts, the filling of reef areas with resulting damage to coral and fish communities, water quality degradation, and increased potential for petrochemical spillage. (ELR Order No. 61052).

Manistee Harbor Shore Damage Mitigation, Manistee County, Mich., July 15: The statement proposes the mitigation of shore erosion damage in the vicinity of Manistee Harbor. The erosion was caused in part by Federal navigation structures, as well as natural erosion processes. The plan includes a public information service, a shore protection permit program and the establishment of maintenance dredging guidelines. Negative impacts which would result from rigorous enforcement of shore protection permit restrictions are the limitation of localized accretion normally accompanying groin construction and effects on recreation activities. The information service and dredging guidelines will have no adverse effects. (Detroit District). (ELR Order No. 61034).

Newtown Creek Maintenance Dredging, Brooklyn and Queens Counties, N.Y., July 16: The statement proposes the maintenance of the Federal navigation project in Newtown Creek to restore the existing Federal channel to its authorized project dimension. The areas around the creek are highly commercialized. It is anticipated that some portion of the channel will be bucket-dredged every four years. Adverse impacts include those related to bucket dredging and disposal of the dredge material in the Atlantic Ocean. (ELR Order No. 61051).

Wilmington Harbor, North Carolina, Brunswick and New Hanover Counties, N.C., July 13: Proposed is the continuation of a project in the lower Cape Fear River, which removes shoals from the channel and places the dredged material on designated riverine island and mainland disposal sites. The project is intended to permit deep draft navigation. Also proposed is a series of islands for bird nesting. Adverse impacts include loss of bottom organisms, disturbance of disposal area biota, turbidity and water quality degradation, and the loss of valuable estuarine river bottom. (Wilmington District). (ELR Order No. 61022).

Randleman Lake, Deep River, Guilford and Randolph Counties, N.C., July 15: The statement concerns construction of a 3,045 acre reservoir and use of 7,075 acres of land in Guilford and Randolph Counties for construction of an earth dam, spillway, and multilevel outlet structure. The proposal requires the relocation of roads, utilities, 600 residents, 50 farms, and 150 homes. The plan will provide benefits in the form of water supply, flood control, and recreation. Adverse impacts include loss of 39 miles of stream ecosystems, loss of wildlife, loss of agricultural land and reduction of potentially rare species habitat, as well as land use changes near Government land. (Wilmington District). (ELR Order No. 61038).

Killen Generating Station, Units 1 and 2, Adams County, Ohio, July 12: Proposed is the construction of a power plant in Adams County to meet the increasing need for electricity. Potential adverse impacts would include the discharge of ash and station waste into the Ohio River, discharge of gases and combustion products, addition of chemicals to water used in and passing through the station system, disturbance of shorelines and river bottom during construction, loss of wildlife, and relocation of people. (Huntington District). (ELR Order No. 61015).

Final

Military Ocean Terminal, Kings Bay, Camden County, Ga., July 16: Proposed is the one-time dredging of a turning basin and entrance channel serving Military Ocean Terminal, Kings Bay, Cumberland Sound. Adverse impacts of the project include the increase in suspended solids and turbidity resulting in a temporary lowering of water quality and temporary reduction in benthic populations. Disposal operations will alter present habitats existing on disposal sites, and cause some displacement of animal and bird species utilizing disposal sites. Comments made by: USDA, EPA, DOI, USA, DOC, HEW, and State agencies and concerned citizens. (ELR Order No. 61045).

Pomona Lake, Kansas, O&M, Osage County, Kans., July 15: The statement concerns the continued operation and maintenance of Pomona Lake, consisting of water control operation and maintenance of recreation areas, and management of project land and water resources. The major adverse effect associated with the operation of the project is related to flood control operations. Shoreline erosion, loss of vegetation, disruption of recreation use, and damage to project roads and recreation areas result from these fluctuations. Sedimentation affects benthic life, fish populations, and recreational use of the lake. Comments made by: USCG, FHWA, HEW, HUD, EPA and State agencies and concerned citizens. (ELR Order No. 61039).

Diked Disposal, Hart and Miller Islands, Baltimore County, Md., July 15: The proposal is for the creation of a diked disposal area adjacent to Hart and Miller Islands, in order to contain dredge spoil from channels in Baltimore Harbor and Upper Chesapeake Bay. An 1100 acre island will be created. Adverse impact will include unsightliness, ob-

noxious odors, and disturbance of marine biota. Comments made by: EPA, HUD, USDA, DOI, DOC, HEW, OEO, DOT, and State agencies and concerned citizens. (ELR Order No. 61033).

Holland Harbor, Mitigation of Shore Damage, Ottawa County, Mich., July 12: Proposed is the mitigation of shore damage attributed to the Federal navigation structures in the vicinity of Holland Harbor, on Lake Michigan. The plan entails the creation of a "feeder beach" on the south side of the harbor. Approximately 170,000 cubic yards of dredged material will be required for initial establishment, and 61,000 cubic yards annually. The dredging and disposition of sand will cause benthos damage and associated detracting in the recreational and aesthetic qualities of the area. (Detroit District). Comments made by: HEW, FPC, USDA, DOI, NPS, USCG, FPA, DOC, and EPA. (ELR Order No. 61019).

St. Clair River, Maintenance Dredging, Mich., July 15: Proposed is the maintenance dredging of the Federal Navigation channels in the St. Clair River to remove 130,000 cubic yards annually consisting primarily of sand and silt. The material removed will be disposed of in deep water or placed ashore on upland sites. The action will temporarily adversely affect water quality and disrupt benthic habitat and fish populations. Comments made by: DOI, EPA, DOC, USDA, HUD, and State agencies and concerned citizens. (ELR Order No. 61040).

ENVIRONMENTAL PROTECTION AGENCY

Contact: Ms. Rebecca W. Hanmer, Director, Office of Federal Activities, Room WSMW 537, 401 M Street, SW., Washington, D.C. 20460, 202-755-0780 (stop 460).

Draft

Amendment, Public Law 92-500, Limits on Treatment Levels, July 16: The proposed action is an amendment to section 202 of the Federal Water Pollution Control Act Amendments (P.L. 92-500) of 1972. The amendment would limit Federal funding from future authorizations to be costs of construction of publicly owned treatment works required to provide secondary treatment (or alternatives), unless a more stringent level of treatment is necessary in accordance with sections 302, 307a, or 403 of P.L. 92-500. Adverse impacts would be delays in some projects to allow time for drawing up guidelines, and the elimination of eligibility for Federal funding in some cases. (ELR Order No. 61046).

Amendment, Public Law 92-500, Fed. Share, Treatment Work, July 16: Proposed is an amendment to P.L. 92-500, the Federal Water Pollution Control Act, which would establish a Federal share for various categories of publicly owned treatment works funded from future authorizations. The major negative impact would be the postponement of some projects. (ELR Order No. 61047).

Amendment, Public Law 92-500, Treatment Works Res. Cap., July 16: The proposed amendment to P.L. 92-500, the Federal Water Pollution Control Act, provides that the amount of reserve capacity for treatment works eligible for Federal assistance would be limited to that future capacity required to serve the users of such treatment works expected to exist within the service area of the project at the time it becomes operational. The major adverse impact is that the increase in financing burdens on State and local governments may retard or preclude construction starts in the short run. (ELR Order No. 61048).

Amendment, Public Law 92-500, Secondary Treatment, July 16: The proposed amend-

ment to section 301 of P.L. 92-500, the Federal Water Pollution Control Act, would allow the Administrator to extend, on a case-by-case basis, the July 1, 1977/78 statutory deadline for those publicly owned treatment works unable to comply with the requirement for secondary treatment. The intent of the proposal is to acknowledge that the POTWs are unable to meet the deadline due to present constraints on time and funding. The statement does not list any negative impacts. (ELR Order No. 61049.)

Ocean Dumping Criteria, Proposed Revisions, July 16: Proposed is the revision of EPA's Ocean Dumping Regulations and Criteria published in the October 15, 1973, Federal Register in accordance with the Marine Protection, Research and Sanctuaries Act of 1972, as amended. The proposed regulations seek to mitigate the impacts of ocean dumping by preventing dumping that unacceptably harms the marine environment and strictly regulating permitted dumping. Adverse effects associated with any dumping remain. (ELR Order No. 61054.)

Calumet Tunnel System, TARP, Illinois, July 15: The statement concerns the Calumet Tunnel System which consists of one waste treatment plant and one main storage reservoir. The tunnel will reduce the pollutant load currently discharged to Chicago's waterways. Adverse effects include rock spillage, temporary public annoyance during construction and possible groundwater infiltration or wastewater infiltration. (ELR Order No. 61042.)

Final

Gulf of Mexico Chemical Waste Incineration, July 13: The proposed action is the designation of a site in the Gulf of Mexico where permissible incineration of chemical wastes can be performed aboard a specially designed or adapted incineration equipped vessel. The proposed site, occupying approximately 4900 square kilometers in the Gulf of Mexico, lies 315 kilometers SSE of Galveston, Texas and 350 kilometers SSW of Cameron, Louisiana. Adverse effects include the effects on air and water quality due to the products of incineration and the risk of pollution through accidental spillage of unburned wastes due to ship sinkage or grounding. Comments made by: NWF, USCG, COE, DOC, DOI, HEW, and State agencies and concerned citizens. (ELR Order No. 61027.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets, NW., Washington, D.C. 20405, 202-343-4161.

Final

Federal Youth Center, Ventura County Calif., July 13: The proposed action is the construction and operation of a 195,000-square foot correctional facility, the Federal Youth Center, on a 315-acre site near Camarillo. Adverse impacts include the permanent removal of 33 acres of arable land from agricultural use, an insignificant increase in air pollution, and temporary construction disruption. Comments made by: USDA, USA, DOC, HEW, HUD, DOI, DLAR, DOT, EPA, and State agencies and concerned citizens. (ELR Order No. 61021.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Draft

Mission Viejo Planned Community Zone Development, Colorado, July 15: The pro-

posed planned community, Mission Viejo, would consist of 4,416 housing units in Aurora, Colorado, and is designed to provide housing for middle and upper income people. Negative environmental impacts include disruption of animal and plant life, increased pollution due to automobiles, and increased strain on the sewage facilities in the south metropolitan area. (ELR Order No. 61031.)

Section 104(h)

Final

Chase Area Water System, Huntsville, Madison County, Ala., July 15: The statement concerns the proposed water system that is designed to alleviate certain existing water distribution problems within the City of Huntsville. The system will also extend Huntsville's supply system so that rural areas of the county which have water quality and quantity problems can tie onto Huntsville's water system. Comments made by: CEO, EPA, HUD, DOC, DOT, HEW, FEA, USDA, and State agencies and concerned citizens. (ELR Order No. 61028.)

Guernsey's Orange View Sewer Outfall, Black Hawk County, Iowa, July 15: Proposed is the construction of a sanitary sewer in Census Tract 30.31 in the City of Waterloo, Iowa. The project will involve construction of a sanitary sewer outfall line from an existing sanitary sewer line to the Guernsey's Orange View Subdivision. Adverse short-term impacts on resources, soil stability, soil erodability, plant and animal life, and energy resources will result. Comments made by: EPA. (ELR Order No. 61032.)

Downtown-West Redevelopment Project, Norfolk, several counties, Va., July 13: The proposed project consists of eliminating blight and negative environmental factors on 67 acres of downtown waterfront property, the provision of as much as 3,300 units of housing and 120,000 square feet of compatible waterfront-related commercial activity, and the provision of public access and amenities along the Elizabeth River in Norfolk, Virginia. Adverse effects include impacts on air quality, noise, public services and the adjacent historic district. Comments made by: EPA, USDA, FHA, DOI, USN, COE, USCG, State agencies and concerned citizens. (ELR Order No. 61024.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF LAND MANAGEMENT

Draft

Oil and Gas Lease Sale, Lower Cook Inlet, Alaska, July 13: Proposed is the leasing of 152 tracts of OCS lands, located off Kenai Peninsula, for the exploration of oil and gas resources. The major adverse impact is the possibility of accidental or chronic oil spills which would disturb the wildlife and have impacts on onshore development. (ELR Order No. 61026.)

NATIONAL PARK SERVICE

Final

Zion Master Plan, Zion National Park, Washington, Iron and Kane Counties, Utah, July 13: Proposed is a master plan for the management and use of Zion National Park which provides for increased public enjoyment of park experiences, with reduced impact on park resources. The plan would extend overnight lodging in the park for seven years and initiate a study for public transportation in Zion Canyon Corridor. In one place 2.39 acres would be added to the park boundary, and 8.13 acres in another, and 3,953 acres of private inholdings would be acquired. Adverse impacts include visual intrusion of cabins, disturbance of the eco-

systems, tax losses to the government and socio-economic effects on towns adjacent to the park.

Comments made by: USDA, DOI, EPA, FPC, DOT, USA, and State agencies and concerned citizens. (ELR Order No. 61023.)

Supplement

Black Canyon of the Gunnison (S-1), Colorado, July 13: The supplemental statement recommends that 2,400 additional acres of land be designated for wilderness in Black Canyon of the Gunnison National Monument. The final Environmental Impact Statement was issued by the National Park Service on October 4, 1973. (ELR Order No. 61025.)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Contact: Mr. Nathaniel Cohen, Director, Office of Policy Analysis, National Aeronautics and Space Administration, 400 Maryland Avenue, Washington, D.C. 20546.

Draft

Ames Research Center, California, July 15: This statement supersedes the original Institutional Environmental Impact Statement for Ames Research Center, California, dated July 1971. It describes the current mission, facilities, community settings, and environmental effects associated with the present baseline activities at the installation. The major adverse impact is the noise imposed upon the surrounding communities by the operation of certain wind tunnels. (ELR Order No. 61037.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Benard Persche, Director of Division of Reactor Licensing, P-722, NRC, Washington, D.C. 20555, 301-492-7373.

Draft

Black Fox Nuclear Generating Station, Units 1 and 2, Rogers County, Okla., July 16: The proposed action is the issuance of permits for the construction of Units 1 and 2 of the Black Fox Station, located on Verdigris River. The station will employ two boiling water reactors to produce up to 379 MWe per unit. Steam turbine-generators will use this heat to provide up to 1220 MWe of electrical capacity per unit. The major adverse effects will be disturbance of 530 acres of land, soil disturbance which could promote erosion and siltation, loss of plant and animal life, loss of 2,206 acres of grazing land and evaporation of 39,100 acre-feet per year from the Verdigris River. (ELR Order No. 61050.)

SUPPLEMENT

Skagit Nuclear Power Project, Units 1 and 2 (S-1), Washington, July 12: The supplement identifies and evaluates the potential effects of the proposed Skagit Nuclear Power Project on those values for which the Skagit River was named as a study river in the Wild and Scenic Rivers Act (P.L. 90-542). The final Environmental Impact Statement was issued by NRC on June 2, 1975. (ELR Order No. 61017.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

Interstate 40, Claybrook Street to Bon Air Street, Memphis, Shelby County, Tenn., July 12: Proposed is the construction of a section of I-40, a full-control access freeway, from Claybrook Street to Bon Air Street in Mem-

phis, Tennessee. The purpose of the section is to facilitate the movement of traffic between the Downtown-Midtown Medical Center Area and the developed areas of Memphis to the east. Adverse impacts include the displacement of people and businesses, increases in noise and certain air pollutant levels, and lowering of the aesthetic quality of the residential area through which the highway would pass. A 4(f) statement is included concerning Overton Park. (ELR Order No. 61020.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76-21342 Filed 7-22-76; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 586-4]

CALIFORNIA STATE STANDARDS

Motor Vehicle Pollution Control; Public Hearing

Section 209(a) of the Clean Air Act, as amended, 42 U.S.C. 1857f-6(a), 81 Stat. 501 (Pub. L. 91-604) provides:

No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part . . . [or] . . . shall require certification, inspection, or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as a condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment.

Section 209(b) of the Act directs the Administrator of the Environmental Protection Agency, after notice and opportunity for public hearing, to waive application of the prohibitions of section 209 to any State which had adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, unless he finds that such State does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Clean Air Act.

By letter dated May 20, 1976, the California Air Resources Board (CARB) notified the Administrator that the Board had taken a number of actions to revise California's motor vehicle emissions control program. The CARB requested that waivers be granted for those items in the revisions which in the judgment of the Administrator require such waivers, and that a public hearing be convened by the Administrator.

The Environmental Protection Agency (EPA) has informed the CARB that the following items will require a waiver before they can be effectuated by California:

(i) Fill pipe and opening specifications for 1977 and subsequent model year gasoline-powered motor vehicles,

(ii) Application of the fuel evaporative emission standard and test procedure (SHED test) to 1978 and subsequent

model year medium duty vehicles and heavy duty vehicles, and

(iii) Exhaust emission standards and test procedures for 1978 model year medium duty vehicles.

Therefore, I hereby give notice that:

(i) California has submitted its request for a waiver from the prohibitions of section 209(a) with respect to the items listed above, for which no waiver has heretofore been granted, and

(ii) A public hearing on the request will be convened in the Los Angeles Convention Center, Room 211, 1201 South Figueroa Street, Los Angeles, California, on August 25 and 26, 1976, commencing at 9:00 a.m.

Any person desiring to make a statement at the hearing or to submit material for the record of the hearing should file a notice of such intention and twenty-five copies of his or her proposed statement (and other relevant material) by August 13, 1976, with the Director, Mobile Source Enforcement Division (EN-340) Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

The pertinent California standards and test procedures can be found in:

(i) Subchapter 7, Title 13, California Administrative Code, adopted March 24, 1976, and "Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks," dated March 19, 1976,

(ii) Sections 1970 and 1976, Title 13, California Administrative Code, as amended March 31, 1976, and "California Fuel Evaporative Emission Standard and Test Procedure for 1978 and Subsequent Model Gasoline-Powered Motor Vehicles Except Motorcycles," adopted April 16, 1975, as amended March 31, 1976, and

(iii) Sections 1900, 1955.1, 1955.5, 1956, 1957 and 1959, Title 13, California Administrative Code, as amended March 31, 1976, and "California Exhaust Emission Standards and Test Procedures for 1975 Through 1978 Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles," as amended March 31, 1976 and June 30, 1976.

A copy of the above-described material is available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, D.C. 20460. Copies of the California standards and test procedures are available upon request from the California Air Resources Board, 1102 Q Street, Sacramento, California 95814.

Procedures. Since the public hearing is designed to give interested persons an opportunity to participate in this proceeding by the presentation of data, views, arguments, or other pertinent information concerning the Administrator's proposed action, there are no adversary parties as such. Statements by the participants will not be made under oath and the participants will not be subject to cross-examination.

Presentation by the participants should be limited to the following considerations:

(i) Whether the California standards (including test procedures) mentioned above are more stringent than applicable Federal standards,

(ii) Whether such standards are required to meet compelling and extraordinary conditions in California, and

(iii) Whether such standards and accompanying enforcement procedures are consistent with section 202(a) of the Act, in particular with respect to their technological feasibility in the lead time remaining.

In order to assure full opportunity for the presentation of data, views, and arguments by participants, the Presiding Officer will, upon request of the participants, allow a reasonable time after the close of the hearing for the submission of written data, views, arguments, or other pertinent information to be included as part of the record of the hearing.

A verbatim record of the proceeding will be made and a copy of the transcript will be made available on request at the expense of the person so requesting.

The determination of the Administrator regarding the action to be taken with respect to the waiver of the prohibition of section 209(a) for the State of California is not required to be made solely on the record of the public hearing. Other scientific, engineering, and related pertinent information, not included in the transcript of the public hearing, may also be considered.

Dated: July 16, 1976.

STANLEY W. LEGRO,
Assistant Administrator
for Enforcement.

[FR Doc.76-21252 Filed 7-22-76; 8:45 am]

[FRL 586-3]

VIRGIN ISLANDS

Approval of the Territory of Program for Control of Discharges of Pollutants to Navigable Waters

Notice is given hereby that the U.S. Environmental Protection Agency (EPA) has granted the Territory of the Virgin Islands' request for approval of its program for controlling discharges of pollutants to navigable waters in accordance with the National Pollutant Discharge Elimination System (NPDES), pursuant to section 402(b) of the Federal Water Pollution Control Act, as amended (Pub. L. 92-500, 86 Stat. 816, 33 U.S.C. 1251; the Act).

Section 402 of the Act established the NPDES program, under which the Administrator of EPA may issue permits for the discharge of a pollutant upon the condition that the discharge meets the applicable requirements of the Act. Section 402(b) provides that any State (or Territory) desiring to administer its own permit program for discharges into navigable waters within its jurisdiction may submit its proposed program to the Administrator. If the Administrator determines that the State (or Territory) has adequate authority to carry out the requirements of the Act, he shall approve

the submitted program and suspend the issuance of permits as to those navigable waters subject to the program. Guidelines specifying procedural and other elements for State NPDES programs appear at 40 CFR Part 124 (as amended by 38 FR 18000, July 5, 1973, and 38 FR 19894, July 24, 1973).

On May 12, 1976, the Territory of the Virgin Islands submitted a program for carrying out its proposed NPDES program. On June 21, 22, and 23, 1976, EPA conducted public hearings on the proposed NPDES program in Cruz Bay, St. John, Christianstead, St. Croix, and Charlotte Amalie, St. Thomas, Virgin Islands. After a review of the Virgin Islands program, the accompanying legal certification, and all comments submitted by the public during and following the public hearings, the Administrator determined that the Territory's authority was adequate to carry out the requirements of the Act, and so informed Governor Cyril King in a letter dated June 30, 1976.

As of July 1, 1976, the Virgin Islands NPDES permit program is being administered by the Department of Conservation and Cultural Affairs (the Department), Box 278, Charlotte Amalie, St. Thomas, Virgin Islands 00801 (telephone (809) 774-3320). Mr. Virdon C. Brown is the Commissioner of the Department. The Virgin Islands program is being administered in accordance with Virgin Islands statutes and regulations and a Memorandum of Agreement between the Virgin Islands and EPA's Region II Office, 26 Federal Plaza, New York, New York 10007 (telephone (212) 264-2525). All pertinent documents are available for inspection at the Department, at EPA's New York Regional Office, Room 1009, 26 Federal Plaza, New York, New York 10007 and at EPA's Headquarters in Room 3201, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

STANLEY W. LEGRO,
Assistant Administrator
for Enforcement.

JULY 15, 1976.

[FR Doc.76-21251 Filed 7-22-76; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-819, Docket No. 20859, File No. BAPCT-511, Docket No. 20860, File No. BSTV-15, Docket No. 20861, File No. BSTV-16]

CHANNEL 50, INC.

Assignment of Construction Permit and Subscription Television Authority

In re applications of Lee W. Cowan, Trustee in Bankruptcy (Assignor) and Channel 50, Inc. (Assignee) for assignment of the construction permit for Station WGSP-TV, Washington, D.C.; and Channel 50, Inc., Washington, D.C. for subscription television authority, and Channel 20, Inc. (WDCA-TV) for subscription television authority.

By the Commission: Commissioner Hooks concurring in the result.

1. The Commission has for consideration the following applications: (a) the application (BAPCT-511) for consent to the assignment of the construction permit for commercial television station WGSP-TV, channel 50, Washington, D.C., from Lee W. Cowan, Trustee in Bankruptcy to Channel 50, Inc.; (b) the application (BSTV-15) of Channel 50, Inc., for authority to conduct subscription television operations over the facilities of WGSP-TV; and (c) the application (BSTV-16) of Channel 20, Inc.; licensee of WDCA-TV, channel 20, Washington, D.C., to conduct subscription television operations over the facilities of WDCA-TV. The two latter applications are mutually exclusive under the provisions of section 73.642(a) of our rules, permitting only one subscription television (STV) authorization in a given community. Lincoln Television, Inc., 56 FCC 2d 904 (1975). Therefore, the subscription television applications must be designated for comparative hearing in a consolidated proceeding to determine which proposal, if granted, would better serve the public interest, convenience and necessity. *Ashbacker Radio Corp. v. FCC*, 326 U.S. 327, 66 S. Ct. 148, 90 L. Ed. 108 (1946).

2. With respect to the assignment application, the assignor is fully qualified. The assignee is fully qualified, except for the matter of its financial qualifications to consummate the assignment, complete construction of WGSP-TV, and operate the station for a period of one year. *Ultravision Broadcasting Co., et al.*, 1 FCC 2d 544, 5 RR 2d 343 (1965). Channel 50 relies on a \$600,000 annual payment from American Subscription Television of District of Columbia, Inc. (AST), for lease of station facilities to conduct STV operations under authority sought by Channel 50 in its STV application, and a \$200,000 loan from AST. Obviously, no such funds will be forthcoming if there is no channel 50 STV operation. If this were the only problem, i.e., the necessary contingency of the STV and assignment applications, we would simply defer action on the assignment application until it was determined whether Channel 50 should prevail in the comparative proceeding on the STV applications. However, for reasons discussed below, we believe there is substantial and material question of fact whether Channel 50's proposed STV franchise, AST, possesses the financial qualifications required of prospective STV operators.¹ We also feel a basic and material question exists concerning Channel 50's financial qualifications to be the assignee of the construction permit and we have, therefore, consolidated

the assignment application with the STV applications, pursuant to section 1.227 (a) of the rules.

3. However, Channel 50 has indicated its intention to seek alternative sources of funding and its commitment to proceed to complete construction and operate on a conventional, non-subscription basis, even if it fails to receive the STV authorization for Washington. It goes without saying that inauguration of a new service, which WGSP-TV would provide, is beneficial to the public interest. Therefore, should Channel 50, during the pendency of this proceeding, acquire the financial resources to complete construction of the station and operate it on a non-subscription basis, we will hereby provide that Channel 50 shall be entitled to amend its application as a matter of right, without regard to the showing of good cause normally required under section 1.522(b) of the rules. If, on amendment of the assignment application, Channel 50 is able to demonstrate to the Administrative Law Judge the financial ability to purchase the permit, complete construction, and operate the station on a non-subscription basis for a period of one year, the Administrative Law Judge shall grant the assignment application.

4. American Subscription Television, Inc., will require, according to its own estimates, \$1,136,569 for the STV operation, including pre-operational expenses of \$104,554, and first-year operating costs of \$1,032,015.² In addition, AST is committed to lend Channel 50 up to \$200,000. To meet this total obligation of \$1,336,569, AST relies on a loan from Herbert, Sidney and Allen Kohl in the amount of \$1,300,000. The letter signed by the Kohls and submitted by Channel 50, agreeing to make the loan to AST, complies with all applicable requirements as to specificity of terms of repayment, rate of interest, collateralization, etc. The difficulty arises from the manner of substantiation of the brothers' ability to fulfill the commitment. Although the submitted financial statement of Allen Kohl, together with his personal schedule of assets, would, individually, indicate the availability of sufficient funds, the loan commitment from the three brothers states only that "we hereby declare our willingness to make available the sum of \$1,300,000." This sort of language has been judicially construed to constitute a joint commitment,³ and does not, we believe, create a several liability (although this may be a matter settled by state

² These estimates are further itemized as follows: Pre-operational STV equipment lease payments, \$34,554; promotion and advertising expenses, \$35,000; and administrative and miscellaneous expenses, \$35,000. First-year operating expenses: lease of station facilities, \$600,000; STV equipment lease payments, \$156,015; rental of additional remote crews, \$38,000; promotion and advertising expenses, \$60,000; and administrative and miscellaneous expenses, \$180,000.

³ *New Haven & Northampton Co. v. Hayden*, 119 Mass. 361, 364 (1876).

¹ Under the guidelines set forth in the Fifth Report and Order on subscription television, 19 FCC 2d 559 (1969), STV applicants must make a financial showing for both the applicant and the franchisee demonstrating individually or jointly, the ability to carry on their respective aspects of the STV operation for a period of one year after construction of the STV facilities. 19 FCC 2d, at 568.

law). In the absence of Allen Kohl's express statement of intent to create a several liability in the event his brothers are unable or choose not to fulfill their part of the commitment, we will not assume that he intends to finance the adventure single-handedly.

5. Looking then to the consolidated financial data of the three brothers, we note first that the balance sheet is dated December 31, 1974, and therefore is of very limited value. "Securities Traded on Major Exchanges" have not been more specifically identified and their present market value, therefore, cannot be ascertained. We do not know the composition of the item "Silver and Platinum" and thus cannot ascertain its current value. No appraisal has been submitted of "Oil and Gas Investments" or real estate, and, in the latter case, there has been no declaration of willingness to liquidate, if necessary. Under the circumstances, none of the above items can be considered available for the subscription television operation. We are thus left with, at most, \$3,500,000 in current and liquid assets (including an income tax overpayment which, since the date of the balance sheet, most likely has been converted into cash). On the equity side of the consolidated balance sheet, the Kohls have failed to segregate current and long-term liabilities. Inasmuch as the Commission has no basis for allocating the single item "loans payable" into current and longterm portions, the entire amount must be treated as current. With more than \$13,000,000 of such "current" liabilities, the Kohls have failed to demonstrate any current and liquid assets in excess of current liabilities and thus will be presumed, until it is proven otherwise, unable to fulfill their joint commitment to provide funds for Channel 50's subscription television operation.

6. Even if the Kohls were assumed capable of making the \$1,300,000 loan,⁵ this would not be sufficient to meet AST's total \$1,336,569 commitment. The maximum line of credit AST could extend to Channel 50 would be \$153,431. This will not be sufficient. Channel 50 requires, according to its estimates, \$880,023 to purchase the permit, complete construction and operate the station for one year. This includes \$75,000 for purchasing the construction permit; \$420,000 for lease of equipment; \$340,750 for operating expenses; and \$44,273 for miscellaneous expenses. Channel 50 claims that some of the "miscellaneous" expenses have already been made, and are listed on the corporation's balance sheet as assets. However, it has not specified which items are so recorded. Making some assumptions about these expenses, we are able to reduce the item "miscellaneous expenses" by \$10,000 for legal and engineering costs (which may be included in the balance sheet as "organizational costs"); \$6,623 for Studio and Technical equipment (the balance sheet lists as assets studio and technical equipment and office furniture valued at \$6,613); \$1,000

for the filing fee already paid (and thus also likely to be carried as an organizational cost), and \$1,350 for the difference between the applicant's computation of the grant fee under the rules at the time the application was filed and the present fee schedule. With the benefit of these assumptions, the miscellaneous expense figure becomes \$25,300, and the total amount required is adjusted to \$862,050. To meet this requirement, Channel 50 will have (assuming a grant of the STV application) the \$600,000 payment from AST, the maximum \$153,431 line of credit from AST, and cash in banks and in escrow totalling \$83,914, for a total of \$837,345, leaving a deficiency between funds available and funds required of \$24,345, even if Channel 50 is entitled to the benefit of the above assumptions. The remaining asset on Channel 50's balance sheet, "organizational costs," which Channel 50 includes in its available capital, undoubtedly consists of expenses already incurred, and could not be considered available to meet future expenses.

7. With respect to Channel 20's application, the STV proposal relies on a \$1,250,000 line of credit from Channel 20's parent corporation, the Superior Tube Company. Superior has indicated its intention to make such a loan, and, to support its ability to do so, states that a \$2,000,000 line of credit made available to Superior at the time it acquired control of Channel 20 has not been drawn on and is still available to the company. It, therefore, appears that Channel 20 is financially qualified to implement its STV proposal and continue STV operations for at least one year.⁶

8. With the exception of the matters discussed above, both Channel 50 and Channel 20 are legally, technically and otherwise qualified to undertake the proposed subscription television operations. Both applicants have adequately surveyed the subscription television needs of the community and have established, generally, that a demand exists for the proposed service. The general comparison of the STV proposals will be conducted according to the guidelines

⁵ We note that the same financial information has been submitted by Allen Kohl in connection with the application of Vue-Metries, Inc., for subscription television authority in Philadelphia (File No. BSTV-1). As presently described, Mr. Kohl's current liquid assets in excess of current liabilities would not be sufficient to finance both the Philadelphia and Washington ventures. Therefore, it may be appropriate at some later date to examine Mr. Kohl's financial status in the light of any Commission action or findings with regard to the Philadelphia application.

⁶ Channel 20 has estimated the costs of its STV proposal as follows: encoder installation, \$100,000; advertising and promotion, \$100,000; salaries, \$50,000; and decoders, \$1,000,000. All costs include the preoperating period and the first year of operation. The total—\$1,250,000—equals the minimum amount to be provided by the Superior Tube Company, which has also pledged to provide "any additional funds" required.

set forth in Lincoln Television, Inc., supra.

8. Accordingly, it is hereby ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Channel 50, Inc., for assignment of construction permit and authority to conduct subscription television operations, and the application of Channel 20, Inc., for authority to conduct subscription television operations, are designated for hearing in a consolidated proceeding, at a time and place to be fixed in a subsequent Order, on the following issues:

(1) To determine, with respect to the application of Channel 50, Inc., for subscription television authorization,

(a) Whether funds from Herbert, Sidney and Allen Kohl will be available to American Subscription Television of District of Columbia, Inc., for subscription television operations; and

(b) Whether, in light of the evidence on the above issue, Channel 50, Inc., is financially qualified to implement its subscription television proposal and continue subscription television operations for a period of one year.

(2) To determine, with respect to the application for consent to the assignment of the construction permit for WGSP-TV to Channel 50, Inc.,

(a) Whether and in what amount, in the light of the evidence on the above issue 1(a), funds will be available to Channel 50, Inc., from American Subscription Television of District of Columbia; and

(b) Whether, in light of the evidence on the above issue, Channel 50, Inc., is financially qualified to purchase the construction permit, complete construction of station WGSP-TV, and operate the station for one year.

(3) To determine, on a comparative basis, which of the above-captioned subscription television applications, if granted, would better serve the public interest, convenience and necessity.

(4) To determine, in the light of evidence adduced pursuant to the above issues 1, and 3, which subscription television application should be granted.

(5) To determine, in light of the evidence on the above issue 2, and the resolution of issue 4, whether the application for consent to the assignment of the construction permit for WGSP-TV should be granted.

9. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days from the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

10. It is further ordered, That the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules jointly, within the time and manner prescribed in such rule, and shall advise the Commission of the publication of such

⁷ See, *Groves v. Sentell*, 153 U.S. 465, 476 (1894).

notice, as required by § 1.594(g) of the rules.

Adopted: June 29, 1976.

Released: July 21, 1976.

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc. 76-21378 Filed 7-22-76; 8:45 am]

[Report No. 815]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

JULY 19, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act), applications filed under Part 68, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.)

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

22327-CD-MP-(2)-76, Telephone Answering
Bureau, Inc., (KWU281), C.P. for additional

facilities to operate on 152.24 MHz at a new Loc. #2: Mt. Mansfield, near Underhill, Vermont; and additional Control facilities operating on 459.200 MHz at a new Loc. #3: 217 South Union Street, Burlington, Vermont.

22411-CD-P-76, Collins Radio Communications Corp., (KU0574), C.P. for additional facilities to operate on 152.18 MHz located 3 mi E & 0.25 mi N of intersection of Wyoming 59 and Hwy. 16, Gillette, Wyoming.

22412-CD-P-(2)-76, South Central Bell Telephone Company, (KRS388), C.P. for additional facilities to operate on 152.84 MHz at new Loc. #4: On Red Mountain Ridge Atop 81st Street Hill, Birmingham, Alabama; and same facilities at new Loc. #5: 2323 Tyler Road, Birmingham, Alabama.

22413-CD-P-(3)-76, Stockton Mobilphone, Incorporated, (New), C.P. for a new station to operate on 454.250 MHz, Base & 75.98 MHz, Repeater at Loc. #1: Atop Elizabeth Peak, 2.0 miles NW of Twain Harte, California; and Control facilities to operate on 75.86 MHz at Loc. #2: 2171 Ralph Avenue, Stockton, California.

22414-CD-P-(2)-76, Peacock Radio Service, (KIY511), C.P. for additional Repeater facilities to operate on 2170.0 MHz at Loc. #1: 430 Bay Street, NE, St. Petersburg; and additional Control facilities operating on 2120.0 MHz at a new Loc. #2: 1100 Cleveland Street, Clearwater, Florida.

22415-CD-P-(2)-76, Vern R. Garvin d.b.a. Curry County Communications, (New), C.P. for a new 1-way signaling station to operate on 158.70 MHz at Loc. #1: Red Mound, 4 miles NNW of Brookings, Oregon; and same facilities at Loc. #2: Rocky Point, 13 miles SSE of Gold Beach, Oregon.

22416-CD-P-76, Airtel International, Inc., (KIF650), C.P. to relocate facilities operating on 35.58 MHz at Loc. #4: Ralston-Purina Company, 2.25 miles NE of Trussville, Alabama.

22417-CD-AL-76, Aircall New York Corporation, Consent to Assignment of License from Aircall New York Corporation, Assignor to Aircall of Texas, Inc., Assignee, (KWU253), New York, New York.

22418-CD-P-76, Eastern Illinois Telephone Corporation, (New), C.P. for a new 1-way station to operate on 158.10 MHz to be located at 1500 North Ohio Street, Rantoul, Illinois.

22419-CD-MP-76, Answerphone of Lake Worth, Inc., (KWU206), C.P. for additional facilities to operate on 43.22 MHz at a new Loc. #2: 1400 Powerline Road, Lakeview, Florida.

22420-CD-P-76, Canaveral Communications, Inc., (KUS307), C.P. to relocate facilities, change antenna system and replace transmitter operating on 454.050 MHz located 3 miles WNW of Edgewater, Florida.

22421-CD-P-(8)-76, Vern R. Garvin d.b.a. Curry County Communications, (KTS241), C.P. to change antenna system and change frequency from 459.100 MHz, Repeater to 2160.8 MHz at Loc. #1: Edson Butte, 10 miles NE of Port Orford, Oregon; additional Control facilities operating on 2160.8 MHz at new Loc. #3: 607 Railroad Street, Brookings; additional Control facilities operating on 2110.8 MHz & 2125.2 MHz, Repeater at new Loc. #4: 1/2 mile southwest of Port Orford; delete Control facilities operating on 158.58 MHz at Loc. #2: Oregon Street, Port Orford; additional Control facilities operating on 2175.2 MHz & 2164.0 MHz, Repeater at new Loc. #5: Rocky Point, 13 miles SSE of Gold Beach; and additional Control facilities operating on 2114.0 MHz & 2110.8 MHz, Repeater at new Loc. #6: Red Mound, 4 miles NNW of Brookings, Oregon.

22422-CD-P-76, Henderson Cooperative Telephone Company, (New), C.P. for a new station to operate on 454.450 MHz located 1.15 mi. SE of Henderson, Nebraska.

22423-CD-P-(2)-76, Kidd's Communications, Inc., (KMA257), C.P. to change antenna system, replace transmitter and change frequency from 459.125 MHz, Control to 72.03 MHz, Control at Loc. #2: 215 East 18th Street, Bakersfield; and for additional Repeater facilities to operate on 75.68 MHz at Loc. #8: McKittrick, 6 miles WSW of McKittrick, California.

22424-CD-P-76, Air Page, (KEC515), C.P. to relocate facilities and change antenna system operating on 35.58 MHz at Loc. #2: Bald Mountain, 4 miles east of Troy, New York.

22425-CD-P-(2)-76, Ram Broadcasting of Texas, Inc., (KKG412), C.P. to relocate facilities operating on 454.100 & 454.200 MHz at Loc. #3: Route 2 (at the northwest corner of Corsicana), Corsicana, Texas.

22426-CD-TC-76, Evans Telephone Company, consent to Transfer of Control from Evans Telephone Company, Transferor to Jane B. Vilas, Executrix of the Estate of John H. Evans, Sr., Transferee, (KMM961), Patterson, California.

22427-CD-P-(3)-76, Mobile Radio Telephone Service, Inc., (KUS312), C.P. to relocate facilities and change antenna system operating on 454.675, 454.850 & 454.925 MHz located at Coon Peak, Oquirrh Range, 5.2 miles SSW of Garfield, Utah.

POINT TO POINT MICROWAVE RADIO SERVICE

4478-CF-P-76, Puerto Rico Communications Authority, (WW7*), Cerro Punta, 3.1 miles South of Jayuya, Puerto Rico. Lat. 18°10'27" W., Long. 66°35'28" W. C.P. to add a new point to communication on frequency 2116.0H MHz toward Ramey, Puerto Rico on azimuth 302.3°; change location of building and tower for existing frequencies 6323.3H toward San Juan on azimuth 61.0°; 6204.7H toward Ponce on azimuth 188.5°; 6352.9H toward Mte. De Estado on azimuth 266.3°; and 2124.0H toward Arecibo, Puerto Rico on azimuth 336.7°.

4479-CF-P-76, Same, (New), Ramey, Bldg. 406, Belt and Guard Streets, Aguadilla, Puerto Rico. Lat. 18°29'58" N., Long. 67°07'56" W. C.P. for a new station on frequency 2166.0H MHz toward Cerro Punta, Puerto Rico on azimuth 122.1°.

4489-CF-P-76, General Telephone Company of Indiana, Inc. Location: Within the territory of the Grantee. Application for Renewal of Radio Station License (Developmental) expiring August 12, 1976. Term: August 12, 1976 to August 12, 1977. (WAU476)

4490-CF-P-76, RCA Alaska Communications, Inc., (WAT991), On Lot 1 at South end of Meyers Chuck, Alaska. Lat. 55°44'46" N., Long. 132°15'27" W. C.P. to change frequency 2112.4V to 2120.0V MHz toward Ratz Mtn., Alaska on azimuth 28.1°; replace transmitters and increase power output; move and replace antennas for 5974.85V 6093.45V MHz toward Tolstoi 2 Passive Reflector, and 5945.2H 6063.8H MHz toward Burnet NW Passive Reflector.

4491-CF-P-76, Same, (WAT989), Ratz Mtn., 17 miles WNW, of Meyers Chuck near Hill 2878, Alaska. Lat. 55°48'58" N., Long. 132°41'01" W. C.P. to correct coordinates, increase antenna structure height, change frequencies 2167.2V to 2163.0H MHz toward Klawock, Alaska on azimuth 221.7°; and 2162.4H to 2170.0V MHz toward Meyers Chuck, Alaska on azimuth 107.9°; replace transmitters and increase power output; move and replace antennas.

4492-CF-P-76, Same, (WAT992), Block 32, lots 7 & 8, Klawock, Alaska. Lat. 55°33'17" N., Long. 133°05'40" W. C.P. to change frequencies 2126.8V toward Wadleigh Is. Passive Reflector to 2123.5V MHz toward Half Mile Passive Reflector on azimuth 70.8°; 2117.2H to 2113.0H MHz toward Ratz Mtn., Alaska on azimuth 41.4°; replace transmitters and increase power output; move and replace antennas.

4493-CF-P-76, Same, (WAT995), 5th and Spruce Streets, Craig, Alaska. Lat. 55°28'32" N., Long. 133°08'52" W. C.P. to change frequencies 2192.0V to 2166.5H MHz toward Sunny Hay 1 Passive Reflector on azimuth 112.6°; and 2126.8H toward Wadleigh Is. Passive Reflector to 2173.5V MHz toward Half Mile Passive Reflector on azimuth 38.5°; replace transmitters and increase power output; move and replace antennas.

4494-CF-P-76, Same, (WAT994), South end of 13th Street, Hydraburg, Alaska. Lat. 55°12'18" N., Long. 132°49'10" W. C.P. to change frequency 2142.0H to 2116.5H MHz toward Sunny Hay 2, Passive Reflector; replace transmitters and increase power output; move, replace antennas and increase structure height.

4495-CF-P/L-76, Carolina Telephone and Telegraph Company, (WPG20), location: Within the territory of the Grantee, C.P. and License to reinstate expired Radio Station License (Developmental).

4498-CF-P-76, Pacific Northwest Bell Telephone Company, (KOQ90), near Irrigon, Oregon. Lat. 45°47'39" N., Long. 119°32'23" W. C.P. to change polarization from Vertical to Horizontal on frequencies 3750 3830 3910 3990 MHz toward Roosevelt, Oregon on azimuth 266.8°; replace and move antennas.

4499-CF-P-76, Same, (KOQ89), 2.5 miles NW of Roosevelt, Oregon. Lat. 45°45'51" N., Long. 120°14'31" W. C.P. to change polarization from Vertical to Horizontal on frequencies 3710 3790 3870 3950 4030 4110 MHz toward Irrigon, Oregon on azimuth 86.3°.

4500-CF-AL-(1)-76, Continental Telephone Company of California. Application for Consent to Assignment of Radio Station License from Continental Telephone Company of California, Assignor, to the Pacific Telephone and Telegraph Company, Assignee, for station KNE67, Bakersfield, California.

4503-CF-P-76, Northwestern Bell Telephone Company, (KBI54), 619 Third Avenue SE Cedar Rapids, Iowa. Lat. 41°58'47" N., Long. 91°39'41" W. C.P. to add frequency 3910H MHz toward Iowa City, Iowa on azimuth 159.3°.

4504-CF-P-76, same, (WDD42), 0.1 mile North of Iowa City, Iowa. Lat. 41°41'10" N., Long. 91°30'47" W. C.P. to add frequencies 3710H MHz toward Cedar Rapids, Iowa on azimuth 339.4°; and 3870H MHz toward Muscatine, Iowa on azimuth 126.7°; move antennas.

4505-CF-P-76, same, (KBC79), 0.2 mile West of NW corner of Muscatine, Iowa. Lat. 41°26'41" N., Long. 91°05'00" W. C.P. to add frequencies 3750H MHz toward Iowa City, Iowa on azimuth 306.9°; and 3770H MHz toward Blue Grass, Iowa on azimuth 78.7°.

4506-CF-P-76, same, (KBC78), 4 miles East of Blue Grass, Iowa. Lat. 41°30'22" N., Long. 90°40'11" W. C.P. to add frequencies 3970H MHz toward Muscatine, Iowa on azimuth 259.0°, and 3730H MHz toward Davenport, Iowa on azimuth 74.8°.

4507-CF-P-76, same, (KBC77), 528 Main Street, Davenport, Iowa. Lat. 41°31'31" N., Long. 90°34'33" W. C.P. to add frequency 4010H MHz toward Blue Grass, Iowa on azimuth 254.8°.

4508-CF-P-76, New Jersey Bell Telephone Company, (KEL24), 216 East State Street, Trenton, New Jersey. Lat. 40°13'14" N., Long. 74°45'40" W. C.P. to add frequencies 11505V 11585H MHz toward Hamilton Square, New Jersey on azimuth 101.5°; discontinue service to Stone Tavern, New Jersey.

4509-CF-P-76, same, (WAT85), Hamilton Square, 2 miles SW of Hamilton, New Jersey. Lat. 40°12'32" N., Long. 74°41'12" W. C.P. to add frequencies 10775V 10855H MHz toward Trenton, New Jersey on azimuth 281.6°, and 10895V 10815H MHz toward Stone Tavern, New Jersey on azimuth 97.7°.

4510-CF-P-76, New Jersey Bell Telephone Company, (KEL21), Stone Tavern, 1.8 miles SW of Clarksburg, New Jersey. Lat. 40°11'13" N., Long. 74°28'34" W. C.P. to add frequencies 11625V 11545H MHz toward Hamilton Square, New Jersey on azimuth 277.8°; discontinue service to Trenton, New Jersey.

4461-CF-MP-76, RCA Global Communications, Inc., as Trustee, (WEB 389), One Shell Plaza, Houston, Texas. (Lat. 29°45'32" N., Long. 95°22'02" W.): Modification of construction permit (1132-CF-P-76) to add 6108.3V and 6049.0V MHz toward McAlhany Pond, Texas, on azimuth 31.1°. (Note: Applicant request waiver of Section 21.701 (1) of Rules.)

4462-CF-MP-76, RCA Global Communications, Inc., as Trustee, (WEB 390), 5 miles NW of Huffman, Texas. (Lat. 30°06'01" N., Long. 95°07'48" W.): Modification of construction permit (1133-CF-P-76) to add 6390.0V and 6291.4V MHz toward Houston; 6315.9H and 6256.5H MHz toward Davis Hill, both in Texas, on azimuths 211.2 and 46.9°, respectively.

4463-CF-MP-76, RCA Global Communications, Inc., as Trustee, (WEB 391), 12 miles NE of Plum Grove, Texas. (Lat. 30°19'12" N., Long. 94°51'31" W.): Modification of construction permit (1134-CF-P-76) to add 6093.5V and 6034.2V MHz toward McAlhany Pond; 11465.0V and 11225.0V MHz toward Rayburn, both in Texas, on azimuths 227.1 and 327.6°, respectively.

4464-CF-MP-76, RCA Global Communications, Inc., as Trustee, (WEB 392), 2 miles SSE of Rayburn, Texas. (Lat. 30°23'11" N., Long. 94°54'26" W.): Modification of construction permit (1135-CF-P-76) to add 11135.0V and 10815.0V MHz toward Davis Hill, Texas, on azimuth 147.6°.

4483-CF-MP-76, Pilot Butte Transmission Co., Inc., (KPK 28), 6.0 miles NE of Evanston, Wyoming. (Lat. 41°21'09" N., Long. 110°54'26" W.): Modification of construction permit (1962-CF-P-76) to add 6375.2H MHz toward Evanston, Wyoming, on azimuth 207.8°.

4511-CF-P-76, American Television & Communications Corporation, (New), Sharon Amity Rd at SBC RR, Charlotte, N.C. (Lat. 35°10'50" N., Long. 80°46'31" W.): Construction permit for new station—5960.0H and 6019.3H MHz toward Gastonia, North Carolina, on azimuth 287.3°.

[FR Doc.76-21373 Filed 7-22-76; 8:45 am]

[Report No. I-253]

COMMON CARRIER SERVICES INTERNATIONAL

International and Satellite Radio Applications Accepted for Filing

JULY 19, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these

applications if, upon further examination, it is determined that they are defective and not in conformance with the Commission's Rules, Regulations or its policies. Final action will not be taken on any of these applications earlier than 31 days from the date of this notice. Section 309(d) (1).

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

415-DSE-P/L-76 Sjöberg's Inc., Thief River Falls, Minn. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 48°07'51" Long. 96°11'44". Rec. freq: 3700-4200 MHz. Emission 36000F9. Using a 10 meter antenna.

416-DSE-P/L-76 Gaylord Broadcasting Co., Tacoma, Wash. For authority to construct and operate a domestic communications satellite Receive-Only earth station at this Rec. freq: 3700-4200 MHz. Emission 36000 location. Lat. 47°14'29" Long. 122°28'00". F9. Using a 10 meter antenna.

417-DSE-ML-76 South Florida Cable Television Corp., Bonita Springs, Fla. Modification of license to delete the condition in its license for receive-only fixed earth station prohibiting the use of these facilities for common carrier operations.

418-DSE-ML-76 Rollins Cable View, Inc., Branford, Conn. Modification of license to provide a joint use of the satellite receive-only station on a nonprofit, cost sharing basis with two unaffiliated and unrelated cable systems located in nearby areas of Connecticut.

[FR Doc.76-21374 Filed 7-22-76; 8:45 am]

[Docket No. 20876, CSC-135 (NY0219) FCC 76-651]

PORT VIDEO CORP.

Order To Show Cause

By the Commission: Commissioner Robinson absent.

1. Northeastern Pennsylvania Educational Television Association (NPETA) licensee of noncommercial educational television station WVIA-TV, (Channel 44) Scranton, Pennsylvania, has filed a petition requesting the Commission to issue an order directing Port Video Corporation, operator of a cable television system at Port Jervis, New York, to show cause why it should not be ordered to cease and desist from further violation of the Commission's Rules. Petitioner initially stated it was entitled to carriage under § 76.61 of the Rules. By letter, the Commission notified petitioner that it was not entitled to the relief requested pursuant to § 76.61 of the Rules, since the aforementioned provision applies to cable systems located within one of the first fifty major television markets, and Port Jervis is located outside of all markets. In response to the Commission's letter NPETA filed a supplement modifying its original petition and requesting relief pursuant to § 76.57(a) (1) of the Rules. Although it has had ample opportunity, Port Video Corporation has not filed any pleading in response to either the petition or the supplement.

2. Port Jervis, New York, the community in which the subject cable television system operates, appears to be located within the predicted Grade B contour of Station WVIA-TV. Section 76.57(a)(1) of the Commission's Rules provides that a cable television system operating in a community located wholly outside of all major and smaller television markets, as defined in § 76.5 of the Rules, shall carry on request of the relevant station licensee, television broadcast stations within whose Grade B contours the community of the system is located, in whole or in part. Petitioner has submitted copies of two letters, dated November 10, 1975 and September 10, 1975, in which it requested carriage of WVIA-TV on Port Video Corporation's Port Jervis cable system. Petitioner states that these requests have either been rejected or ignored. Attached to the petition is an engineering statement purportedly demonstrating that WVIA-TV places a Grade B contour over Port Jervis.

3. Petitioner states that according to WVIA-TV's most recent information Port Jervis carries the following television signals:

Cable
Channel 2—WCBS-TV
Channel 3—open
Channel 4—WNBC-TV
Channel 5—WNEW-TV
Channel 6—local original
Channel 7—WABC-TV
Channel 8—open
Channel 9—WOR-TV
Channel 10—open
Channel 11—WPIX
Channel 12—WBNG-TV
Channel 13—WNET-TV

Petitioner argues that Port Video does not have a full complement of must carry signals and therefore should be ordered to show cause why the Commission should not order the operator to cease and desist from violating § 76.57 of the Commission's Rules.

4. It appears that petitioner's factual assertions are correct and that WVIA-TV does place a Grade B contour over Port Jervis, New York. Therefore, pursuant to § 76.57(a)(1) of the Commission's Rules, Station WVIA-TV is entitled to carriage on Port Video's cable system located at Port Jervis, New York. Port Video's failure to comply with WVIA-TV's requests for carriage appears to be in violation of § 76.57(a)(1) of the Commission's Rules, and no satisfactory explanation for non-carriage, or request for waiver of the Rules has been submitted. Hence, a hearing will be ordered.¹

In view of the foregoing, the Commission finds that a grant of the subject Request for Order to Show Cause would serve the public interest.

Accordingly, it is ordered, That the Request for Order to Show Cause, filed by Northeastern Pennsylvania Educational Television Association (WVIA-TV), is granted.

¹ Port Video will be permitted to introduce any mitigating or exculpatory evidence involving its refusal to carry WVIA-TV at the time of the hearing.

It is further ordered, That pursuant to Sections 312(b) and (c) of the Communications Act of 1934, as amended, Port Video Corporation is directed to show cause why it should not be ordered to cease and desist from further violation of Part 76 of the Commission's Rules and Regulations on its cable television system at Port Jervis, New York.

It is further ordered, That Port Video Corporation is directed to appear and give evidence with respect to the matters described above at a hearing to be held at Washington, D.C. before an Administrative Law Judge at a time and place to be specified by a subsequent order, unless the hearing is waived, in which event a written statement may be submitted.

It is further ordered, That the Northeastern Pennsylvania Educational Television Association and the Chief, Cable Television Bureau are made parties to this proceeding.

It is further ordered, That the Secretary, Federal Communications Commission, shall send copies of this Order by certified mail, return receipt requested, to Port Video Corporation.

Adopted: July 7, 1976.

Released: July 19, 1976.

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc. 76-21381 Filed 7-22-76; 8:45 am]

[Docket No. 20203 RM-1977, FCC 76-639]

TELEVISION PRIME TIME RERUNS

Report and Order

In the matter of the use of "re-run" material in prime time on network-owned or affiliated television stations in regular network program series; and on-air identification of such material ("S.T.O.P." Petition of Bernard A. Balmuth).

By the Commission: Commissioner Hooks concurring and issuing a statement.¹

1. The Commission here concludes its inquiry, begun by Notice of Inquiry issued October 4, 1974 (FCC 74-1067), into the general subject of television "reruns". In the course of this proceeding, the Commission has gathered numerous studies, pleadings and letters dealing with all aspects of network television rerun usage. (A summary of the comments is contained in Appendix A and Appendix B lists parties filing formal comments.) After full consideration of all views presented, we have decided not to propose any rules or policies restricting the use of reruns (programs presented a second time during the same broadcast year) in prime time on network owned or affiliated stations. We therefore terminate this proceeding.

2. *Rulemaking Proposal.* The petition for rulemaking (RM-1977), filed in May, 1972, by Bernard Balmuth (Petitioner), a Hollywood film editor, requested a rule to the effect that:

... re-runs of any type of program (except special newscasts vital to the national welfare and information) in prime time on the three major network stations (ABC, CBS and NBC) be restricted to a maximum of twenty-five percent (25%) of the total allotted prime time hours during a specified television year.

Mr. Balmuth defined "prime time" as the 3½ hours of highest audience. He defined "re-run" or "repeat" as "second or more showings of any program on any station within a 'television' community or area". "Network stations" included owned and affiliated stations of the three national networks (ABC, CBS and NBC). The petition also requested that all reruns, and any trailers or spots advertising reruns, include, at a reasonable position at the beginning, a voice-over or superimposed title stating "This program is a re-run".

3. *Commission Inquiry.* In the Notice of Inquiry the Commission stated clearly that it viewed the proceeding as essentially information-gathering. The Commission requested comments on the relevance to the Commission's regulatory responsibilities of Hollywood labor matters (especially unemployment levels and wage agreements); the impact of increased rerun usage on the public interest; the effect on programming of any government limitation on rerun usage; and, finally, whether government regulation limiting reruns or requiring on-air announcements is necessary or appropriate.

4. *Source and Nature of Comments.* The Commission received comments from television networks, station licensees, various labor groups, others involved directly or indirectly in television program production, public/academic organizations, and from over 1,100 members of the viewing public. Approximately one-half of the viewer letters came from addresses in Southern California.

DISCUSSION AND CONCLUSIONS

5. After careful consideration of all comments filed and other information available to the Commission, we have decided to propose no rules limiting network television reruns or requiring on-air identification of such programs. We take this action essentially because we have found that Commission regulation would be inappropriate at this time. In so doing, however, the Commission does not give its endorsement to current rerun practices. We recognize that there are many groups and individuals who feel very strongly that there are simply too many reruns presented during prime time. In the present context, it appears to us to be wiser to permit these essentially economic relationships to be worked out in the open market than to subject them to governmental control.

6. Reruns, as the comments summarized in Appendix A and the discussion in Appendix C point out, have increased significantly over the past 12-15 years. The networks contend that this is a result of rapidly rising production costs. They also suggest that reruns benefit

many viewers who miss programs when first broadcast. Labor groups and viewers argue that the networks have increased their profits dramatically while increasing the percentage of rerun programs and that stations fail to fulfill their public interest obligations when they choose to broadcast such a high percentage of repeated programs.

7. It is not at all clear from the record in front of us that the adoption of a rule on reruns would in fact have a positive effect on viewer satisfaction. Many viewers appear to hold the idea that a rule would simply increase the number of new shows of the same type and quality presently being offered. There is very little to support the assumption.

8. New shows of the type and quality of present series episodes would cost additional money. The networks contend that it would cost an aggregate of approximately \$110 million per year to meet the 25% limitation proposed by the petitioner.¹ Some of the increased cost could perhaps be passed on to the advertisers in the form of increased rates, but at some point further network rate increases would make that advertising vehicle non-competitive with other media. To the extent the networks themselves would be forced to absorb the increased cost, the impact on their profits would have to be considered. In 1974 and 1975, the total profits for the three networks (not including profits of their owned stations) were \$225 million and \$208 million respectively. At first glance, this may appear to be adequate to absorb the projected costs of new programming, but it is appropriate to consider two factors: first, the increased costs would have to be shared approximately equally and history does not indicate that the profits are shared equally among the networks; and second, network profits have not always been at or near this level and may not remain there. Only since 1972 have total network profits exceeded \$100 million. The strongest opponents of the proposed rule suggest that it could threaten the profitability (and therefore the existence) of one or more networks. In any event, it appears that the rule would at least have a substantial impact on the profitability of each network and would lead to consideration by each network of alternate means to reduce the costs.

9. As noted in Appendix A (paras. 15-25), it is generally claimed by the networks and licensee opponents of the rule that a forced increase in the number of new programs would necessarily lead to lower expenditures on each program. Various comments, filed in response to

the Notice or earlier with respect to the petition, suggest different forms this reduction could take. These include use of different and less expensive types of material for prime time, such as game shows; use of less expensive foreign-produced programs or inexpensive "in-house" produced material; and generally, lower budgets and a consequent lowering of program quality. An increase in the use of "summer replacement" material is also advanced as likely; NBC claims that historically, such programs have had less audience appeal than have reruns of regular-season material (see Appendix A, footnote 5). Aside from the entertainment material directly involved, ABC and others claim that the substantial increase in costs required would lead to reduced expenditures on desirable news and public affairs programs, or on efforts to develop new programs. In sum, it is urged, the best to be expected would be that viewers would see more original episodes but of lower quality (of the same or a different type of program) than what they have come to expect.²

10. While a healthy skepticism about such claims is in order, nevertheless it appears reasonable to assume that increased costs on the order of those which would be required under the proposal would have a rather strong tendency to result in some or many of the above developments. At the least, these possibilities cast considerable doubt on the assumption which appears to underlie the public expressions favoring a rerun restriction—that it would mean more original episodes of the same programs (or at least other programs of the same type and quality) as audiences are now accustomed to viewing.

11. The power to regulate the type and quality of programming is clearly beyond the authority of this Commission. The First Amendment and Section 326 of the Communications Act of 1934 would prevent governmental intrusion into such areas. Having no assurance that program quality would be maintained if a rule limiting reruns were adopted, we think it is highly speculative to suppose that viewer satisfaction would be improved by the adoption of such a rule.

12. In considering whether to take further action herein, we must take into account the nature of the restriction which is sought. The proposed regulation which we must consider—limiting reruns in network series to 25% of the year, or something in that order—would, of course, be a restraint on the permissible behavior of individuals in a legitimate business. As such, it must of course be supported by a substantial public benefit certain or reasonably likely to occur.

¹ One non-network licensee comment urges that a mandatory requirement of this sort could make the difference between the success or failure of a program series. It appears likely that this could occur. Also, if the restriction took the form of an overall percentage, network compliance with it might take the form of fewer repeats in inexpensive programs and more repeats in more expensive series—a predominance of less expensive material.

(See Memorandum Opinion and Order in Docket 19622, paras. 35-38, 46 FCC 2d 1013, 1027-1028 (April 1974)). More specifically, the proposed rule involves a restraint on the freedom of television stations to present particular programs which have been presented before, with the serious implications of a First Amendment nature which any such proposal involves. In connection with restraints of this sort, the need for a compelling justification, and substantial probability that the justification advanced will in fact result, are particularly great.

13. On the basis of the current record and the current state of facts as we find them in the industry, we decline to adopt the proposed rule or any variant of it. If practices in the industry or other conditions change, we may return to this subject and initiate a new proceeding. Viewers and others dissatisfied with current industry practices remain free to make their opinions known to the stations and networks which have the decision making power concerning the number of reruns.

14. Along with asserted benefit to the public as viewers, the petitioner and other proponents of regulation argue that their proposal should be adopted to help the cause of the Hollywood program production industry and employment in it.³ As noted in Appendix C, it is claimed that present rerun usage costs the industry some \$320 million in payroll annually, of which some \$125 million would be recovered under the proposed rerun limitation. Employment data is advanced for May 1974, much the same as that advanced and noted by us in the prime time access rule decision of January 1975, e.g., 35% unemployment among 29,000 Screen Actors Guild members, and lesser percentage of other union and guild groups.⁴ Various industry groups claim that this is a serious problem, that private efforts to attain relief have failed so that now Commission action is required as the only way of meeting the problem, and that the problem still exists despite the new compensation agreement between the Screen Actors Guild and the Association of Motion Picture and Television Producers executed in July 1974, which calls for higher payments to SAG members for reuse of their material. (See Notice herein, para. 10.) It is claimed that the public interest requires the FCC to see that there is maintained a "vibrant, active and substantial employment pool" capable of producing the finest possible material.

15. The networks and other opponents urge that this simply is not a relevant consideration on which regulation could legally be based; ABC, in particular, also asserts that the claim that relief is

¹ The \$110 million figure is more than the estimate of NBC and less than that of ABC, and about the same as the figure advanced by Hollywood Film Council et al. It is also approximately the figure obtained by assuming an increase in each series of 11 new programs (from 22/22 to 33/11), multiplying by per-episode costs of \$100,000 per half-hour or \$200,000 per hour (which appear to be reasonable as "net cost" figures) and multiplying by the 40 one-hour and 23 half-hour series in network schedules as of January 1976.

⁴ The same argument is urged by Congressman Alphonzo Bell and other Congressional and legislative parties commenting, and in some 185 of the approximately 1,100 letters from the public urging a restriction.

⁵ See Second Report and Order in Docket 19622 (January 1975), paras. 24-25 and Appendix C, paras. C-33 and C-39-40 (50 FCC 2d 829, 839-840, 867-869).

needed is factually untrue, with Hollywood doing better than in previous years. One student group, commenting, claims that it is a waste to have an expensive program produced only for one showing, when only 14 or 15% of the potential audience will see it. Other comments, such as Metromedia's, claim that action here on this basis would lead to further requests for other regulatory action on the same basis. See Appendix A and C for more details on both sides.

16. The Notice herein (para. 13(c)) raised the question as to whether this subject—the welfare and viability of the program production industry and employment in it—affords a basis for Commission regulation in the public interest. We conclude that these considerations do not afford a basis for our adoption of regulations, at least with respect to the situation as it appears from the material submitted herein. We are persuaded that it is not this Commission's province to engage in regulatory action (by rule or otherwise) with the purpose, or largely for the purpose, of furthering employment or economic conditions in a particular industry or a particular part of the country. While the Communications Act terms "public interest, convenience and necessity" encompass many concepts, and their scope has grown wider with time, there is no reason to believe that it extends this far.⁴ This is not an area of our expertise, for example, in evaluating the extent to which there is economic depression in the industry requiring relief, the extent to which this stems from developments in television such as use of reruns, and the extent to which any action by us would alleviate the situation. As Commissioner Robinson pointed out in his statement with the Notice herein, the possible claims for Commission relief based on this ground are very numerous. In sum, we adhere to the same general type of conclusion reached in our January 1975 Docket 19622 decision (footnote 4, above), that on the facts herein this does not afford a basis for considering regulatory action, where, for reasons already mentioned, there is no other valid basis.

ON-AIR IDENTIFICATION OF RERUN MATERIAL

17. In addition to the main question of possible restriction on reruns in network prime time series programming, both the Balmuth petition and the Notice herein (paras. 14–15) proposed for consideration a required on-air identification of every network prime time program which is a repeat, or any promotional announcement for such a program. This subject drew virtually no response when mentioned in the petition; most of the formal comments filed fol-

lowing the Notice discussed it, but usually briefly. The comments generally followed the parties' positions concerning the restriction; those favoring restriction of reruns also favored identification, and those opposing restriction also opposed an announcement requirement. The same was true of a few letters from the public, about evenly divided on the subject. See Appendix A, paras. 30–32. Some proponents requested that the announcement also include identifying material such as the date of the original telecast and/or an episode number in the series.

18. This kind of regulation—generally similar to other required announcements such as station ID, sponsorship and recording—would not present the same kind of fundamental difficulties as the restriction on reruns mentioned above. However, after careful consideration, we are of the view that such a rule should not be further considered. While we recognize the benefit which might accrue to some viewers, whose time might be saved if they knew in advance that the program would be repetitious, we must also recognize that it would add to "clutter" on television, already now a subject of some concern. Moreover, the information as to what programs are repeats is widely available from printed sources, such as *TV Guide*, weekend newspaper viewing guides and daily information, probably nearly as widely available as information concerning the program schedules themselves. Unless the on-air announcement contained a specific date or at least an episode number, viewers often could not know whether they had or had not seen the particular episode, and even if such information were included, viewers might not know unless they had "charted" their viewing during the first part of the year—something we believe unlikely on a large scale. Moreover, there is a question as to who should make the announcement. If made by the network on an overall basis, it would be inaccurate with respect to those stations which, for one reason or another, had not carried the program when originally presented on the network. If required of each station, the result might be a substantial added burden. Bearing in mind the fact that at most only the viewers who had watched the series before would be benefited (usually a small fraction of total viewers), the ready availability of such information from other sources, and the undesirability of adding to "clutter", we conclude that this requirement appears unlikely to serve the public interest overall.

ORDER

19. In view of the foregoing, *It is ordered*, that:

(1) The petition for rule making filed by Mr. Bernard Balmuth (RM-1977), asking for Commission adoption of a rule limiting reruns in network prime time programming to 25% of each year, is denied; and

(2) This proceeding, Docket 20203, is terminated.

Adopted: June 29, 1976.

Released: July 19, 1976.

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPENDIX A

SUMMARY OF COMMENTS

1. The Commission received formal comments from 23 parties in this proceeding (listed in Appendix B), and expressions from members of the viewing public who commented largely through personal letters. Comments described herein include those filed in response to the original petition for rule making as well as those submitted in response to the Notice of Inquiry, and letters from individual viewers received after the comment deadline in the Notice proceeding. (The Commission considered these latter filings as informal comments).

2. Of the parties filing more detailed comments, the petitioner, Bernard A. Balmuth; American Federation of Musicians; International Alliance of Theatrical Stage Employees and Moving Pictures Machine Operators; Congressman Alphonzo Bell; The Caucus for Producers, Writers and Directors (Caucus); Senate, California Legislature; Film and Television Coordinating Committee, Hollywood Film Council, Screen Actors Guild, and Writers Guild of America, West, Inc., filing jointly; and 22 members of Congress filing jointly, support a limitation on prime time network reruns.¹ In addition, an overwhelming majority (at least 98%) of individual viewers also favor a rerun limitation.

3. American Broadcasting Companies, Inc. (ABC); CBS Inc. (CBS); National Broadcasting Company, Inc. (NBC); CBS Television Affiliates; Capitol Broadcasting Company, Inc.; Clay Broadcasting Corp.; Griffin Television, Inc.; Leake TV, Inc.; and Rust Craft Broadcasting of New York, Inc., filing jointly; Gamma Beta Chapter, Alpha Epsilon Rho National Honorary Society; Central Michigan University; Leake TV, Inc.; Hubbard Broadcasting, Inc.; Rust Craft Broadcasting of New York, Inc., filing jointly; Metromedia, Inc.; National Association of Television Program Executives, Inc.; Post-Newsweek Stations, Inc. all oppose any limitation on reruns. A few members of the viewing public also oppose Commission action to limit reruns.

4. The National Black Media Coalition and a communications class at the University of Tennessee take positions respectively tending to favor or to oppose a rerun restriction, but in each case also suggesting some arguments which might look in the other direction. See paras. 28–29, below.

PROPOSERS' COMMENTS

5. Petitioner argues throughout his filings in favor of a limitation on prime time net-

¹ Generally speaking, all of the parties limit their comments to the 25% restriction proposed by the petitioner. Neither proponents nor opponents suggest any modification upward or downward of that proposal, except that some opponents give cost figures which would apply with respect to a lesser limitation. In addition, parties make only a few brief comments concerning the possible expansion of stations and time periods to which petitioner's proposal might apply in addition to prime time on network-owned and affiliated stations.

⁴ In fact the provisions of the Act which appear to be most nearly pertinent, Section 506 which deals with coercive practices in broadcasting, look definitely in the opposite direction from the kind of regulation involved here.

work reruns, barring any reruns in excess of 25% of the total programming time allotted to any series during a full year. He contends that the current rerun practices of the three national networks deserve the public interest and cause unreasonably high unemployment in Hollywood and similar areas,² and that the Commission has a responsibility to act to reduce repeated prime time programming. Responding to assertions by the networks and others that these current practices are an economic necessity, petitioner claims that figures on rising production and related costs are deceptive; other financial records demonstrate that network television profits have risen steadily in recent years. In short, he believes that the networks can limit reruns and still remain highly profitable businesses. Since private non-governmental efforts to cure the rerun problem have failed, he states, the Commission must now act to help solve the problem under its statutory authority to make broadcasting licenses serve the public interest.³ The public's interest, the petitioner claims, is in having stimulating, diversified and especially, original, programming on television; the public has shown the strength of its interest through a claimed 70,000 signatures on petitions circulated by petitioner and allied parties, as well as through letters to legislative bodies, the press and, in general, through every means by which the public reflects its opinion. Petitioner contends that any figures advanced by the networks to show high interest in reruns must be considered in the context of the size of the audience watching reruns. Petitioner claims that smaller audiences at times when networks usually program reruns is another indication of the degree of viewer dissatisfaction with repeated programs.⁴ Under petitioner's proposal, the networks would retain full control over program scheduling; the requested limitation would apply only to the total amount of rerun programming. If the Commission limits the number of reruns, petitioner concludes, prime time programming will improve in quality and industry unemployment will decrease.

6. The American Federation of Musicians (AFM) supports a Commission limitation on reruns, characterizing the problem as one of "creativity in the arts". Since reruns have little or no lasting value to the public, AFM believes that the public interest in this case lies in maximizing the opportunities for talent to create entertainment and provide education promoting the fresh contributions to the public welfare which television is uniquely able to provide. Adoption of the limitation would advance the best interests of the public, the artisans and the industry.

7. The International Alliance of Theat-

rical Stage Employees et al. argues that the Commission is the only place to which the public can turn for a solution to the rerun problem.

8. Alphonzo Bell believes that a limitation on the number of reruns cannot be considered an incursion into program content contrary to the First Amendment.

9. The Caucus for Producers, Writers and Directors (Caucus) states that private action in this area will not achieve the desired benefits to the public and to the creative community that a government regulation could accomplish. Moreover, Caucus claims that the public wants very few network television programs repeated and for these few there is ample opportunity through subsequent syndication.

10. The Senate of the California Legislature urges adoption of a rerun limitation in order to protect the interest of the listening and viewing public in preserving and extending a reasonable amount of original programming on American television. The Senate also states that adoption of the restriction would protect and increase job opportunities for American film workers engaged in the production of filmed television programs.

11. The Film and Television Coordinating Committee (FTCC) argues that the Commission has an overriding duty to exercise its wide discretionary powers to protect the public interest, convenience and necessity from excessive reruns. FTCC urges the Commission to consider the scope, quality and character of services provided by licensees in light of the relative advantages which the public would enjoy if there were fewer reruns. Licensees have a duty to provide a fresh new product based upon the best talent and technicians available. Part of this responsibility, FTCC believes, is to maintain a vibrant, active and substantial employment pool capable of producing the finest programming possible.

12. The Hollywood Film Council et al. (Hollywood) suggests that high viewership figures advanced by the network and others in support of the popularity of rerun programming refer only to quantitative, not qualitative listening. Viewers are a captive audience, Hollywood contends, and their personal preferences cannot be expressed through choices of existing programming. Moreover, by limiting reruns, the Commission would advance the interests of the viewers over those of the broadcasters and help lessen the degree of control exercised by networks over prime time programming. The Commission neither exceeds its statutory power under the Communications Act nor transgresses the First Amendment when concerning itself with general program formats and the kinds of programs broadcast by licensees. Finally, Hollywood contends that the present rerun practice has increased unemployment within the industry. Despite a new higher-compensation agreement entered into between the Screen Actors Guild and the Association of Motion Picture Television Producers on July 1974, the underlying problem of reruns remains. (Figures submitted by Hollywood concerning industry unemployment are contained in Appendix C).

13. Twenty-two Members of Congress take the position that the Commission should limit reruns because repetitious programming does not serve the growth of superior viewing content. Furthermore, the Commission should take into consideration the fact that thousands of Americans depend upon the extent, character and quality of television film production to support themselves and their families.

14. Members of the viewing public who support a Commission-imposed rerun limita-

tion assert that the current rerun practice limits their programming choices. Some view the problem as one of excessive control of networks over prime time programs, disregarding the interests of viewers in favor of maximizing network revenues. For those who watch television regularly, it is unfair, they say, not to have the opportunity to watch new programs each evening of the year. When programs are repeated, many viewers claim that they lose their sole source of entertainment. A substantial percentage of letters filed by members of the public came from addresses in Southern California and urged adoption of a rerun limitation as a cure for industry unemployment in that geographical area. Most viewers who sent letters supporting a rerun limitation appear confident that the restriction would lead to more variety in television programming. A large number of elderly or handicapped viewers, for whom television is the sole source of entertainment, are especially certain that a rerun limit would improve television fare. Many comments urge the Commission to reduce "sex and violence" on network television either in conjunction with, or separate from, a rerun limitation.

OPPONENTS' COMMENTS

15. The broadcasting interests who participated in this proceeding all take generally the same position in opposition to a rerun limitation. There is no statutory basis upon which the Commission could base a rerun limitation, they assert. Moreover, such an action would violate both § 326 of the Communications Act and the First Amendment. Separate from these threshold considerations, the various networks and broadcast licensees argue that current rerun practices are an economical necessity, that there is high viewer interest in repeated programming⁵ that it would be impossible to establish constitutionally acceptable standards for determining precisely the numerical limit on rerun programming, and that the Commission should not consider allegations of rerun-induced industry unemployment as a basis for adopting a rerun limitation. (Appendix C contains a compilation of information submitted on rerun practices and economics).

16. ABC urges the Commission to consider the fact that the ABC network has only recently become profitable, and argues that a limitation on reruns might cause the network to become unprofitable once again. This, ABC claims, would lead to a reduction in the public interest benefits associated with profitable networks—primarily, the ability to initiate new programs and public service endeavors. ABC points to recent articles in national publications which report that the movie industry is doing very well financially, to support the ABC assertion that there is no conclusive proof of a causal relationship between reruns and Hollywood unemploy-

⁵ Broadcasters claim that on the average only 14% of the potential viewing audience actually watches a prime-time network program when first broadcast. Reruns tend to attract approximately 10% of the potential audience. Opponents present figures showing that reruns usually draw a larger audience than do summer replacement programs. NBC, for instance, claims that between 1968 and 1974, 103 different summer replacement programs (on all three networks) averaged a 25(%) share, compared with 30(%) for reruns of regular programs (share reflects only the percentage of the audience watching a given program, regardless of the number of viewers).

² Petitioner claims that salaries in the entertainment field have not kept pace with other professions, and, as a result, actors are not paid well overall. Unemployment figures are summarized in Appendix C.

³ Since the Commission found sufficient authority to adopt the prime time access rule, petitioner reasons, the Commission certainly would have an adequate statutory basis upon which to adopt the "milder" action requested here.

⁴ Petitioner notes, for instance, that even though reruns may achieve high ratings, the share of the possible audience is often well below figures which would cause program series cancellation during the first run of a program. In this connection, another comment suggests that ratings have no meaning in relation to reruns since viewers generally have no choice except among competing reruns presented at the same times.

ment. Finally, the network predicts that it should be self-evident that a rerun restriction will result in lower per-program expenditures with a consequent reduction in program quality.

17. CBS takes somewhat the same position as does ABC with respect to the question of viewer interest in rerun programming, arguing that the public benefits far more by having two opportunities to view many of today's programs than it would by having a chance to see many more programs of lesser quality. By adopting a rerun limitation, according to CBS, the Commission would do indirectly what it cannot do directly, namely, substitute its judgment for the judgment of the licensees. Since the limitation would act effectively to bar presentation of certain programs, the result is a form of government censorship barred by the First Amendment. Furthermore, the limitation would result in a "chilling effect" on network news and public affairs programming. CBS contends that the Commission did not predicate its prime time access rule on industry unemployment considerations, and states that the rule has actually resulted in a decrease in industry employment. It should not be a basis for acting on reruns either. CBS sees the primary results of such a rerun limitation as being a reduction in per program budgets with increasing attention given to foreign producers.

18. NBC argues generally that reruns are in the public interest. The Commission recognizes what NBC terms the "competitive force" of reruns when it included off-network material with network programming in the prime time access rule. NBC claims that regulation in this area would involve the Commission in programming and economic judgments which belong historically to the licensees. Furthermore, the welfare and viability of the U.S. program production industry is not a proper basis for Commission regulation in the public interest. NBC asserts that the Commission has alternative means for dealing with the Hollywood unemployment problem, if it so chooses, including the repeal of the prime time access rule.⁶ It agrees with ABC or CBS that the effect of a limitation would be to drive the network toward less expensive programming. In addition, the network states that any limitation on reruns should apply to all programming, not just network programming.

19. CBS Television Affiliates (Affiliates) believes that none of the court decisions involving the prime time access rule provides support for a limitation on reruns. Moreover, Affiliates argues that a limitation will not promote the First Amendment values which the Commission and the courts have tried to advance through the chain broadcasting rules, the fairness doctrine and the prime time access rule. Generally, government intervention in broadcast programming has been a major impetus toward conformity and orthodoxy, Affiliates claims. According to Affiliates,

The proposal does not make even the slightest pretensions of promoting diversity of 'views or voices', championing 'diverse and antagonistic sources of program service', 'stimulating localism' or buttressing stations' freedom to select programs of their choice.

Affiliates further urges the Commission to close this inquiry "firmly, finally and unequivocally" as a "warning" that this Commission will not intrude in these matters "directly or indirectly, by rule, policy or

raised eyebrow". Addressing the employment issue, Affiliates argues that favorable action by the Commission in this matter will be a signal to others that the Commission will attempt to rescue industry elements from the "vicissitudes of marketplace determinations". Affiliates asserts that the Commission has previously noted that such matters as the effect of proposed broadcast regulatory measures on non-broadcast employment involve areas outside of the normal ambit of the Commission's expertise and raise questions of general national policy which are beyond the Commission's jurisdiction to decide.

20. Capitol Broadcasting (joint filing) predicts that petitioner's proposal would force networks, program suppliers and stations across what it describes as a "fine line" between the economic success or failure of a program series.

21. A student society at Central Michigan University (CMU) basically opposes the proposal because it would result in unwarranted government intrusion into the marketplace of program production. It foresees no increase in programming diversity and fears that the economic impact of such a rule would result in only more of the same content. CMU predicts an inevitable return to the "summer ghetto of replacements" if the Commission adopts a limitation.

22. Leake TV (joint filing) also argues that while employment problems may be a proper government responsibility, the Commission is not the agency to exercise that responsibility here. Apart from this threshold matter, Leake suggests that a possible result of a rerun limitation might be networks turning to less expensive foreign production, movies or inexpensive inhouse productions. This would act to worsen, not improve, the level of unemployment in Hollywood.

23. Metromedia terms the proposal "illogical and unlawful". Assuming arguendo that the Commission has authority to regulate some limited aspects of programming, there is clearly no authority to permit regulation of the re-use of television material. Metromedia further states that there is no definable standard which the Commission could logically apply to this problem and still remain consistent with established law.⁷ Favorable action on the petition would convert the Commission into an agency of "socialistic economic regulation", Metromedia asserts. The Commission might extend this type of regulation to include restrictions on the program use and re-use of automobiles in order to protect the automobile industry in Detroit.

24. The National Association of Television Program Executives (NATPE) agrees with others that regulation of reruns would amount to governmental intrusion into matters which the marketplace can determine best. Emphasizing that the unemployment problem only affects Southern California, NATPE charges that a "minuscule segment of our industry, motivated by what we believe to be strictly personal considerations, has sought recourse from the Commission by cloaking a self-serving complaint under the guise of 'public interest'." NATPE fears that this kind of regulation could lead to FCC action favoring multi-actor productions over one-man shows.

25. Post-Newsweek Stations (Post-Newsweek) attempts to differentiate the proposed action in this situation from the prime time access rule which Post-Newsweek supported. The distinction is that a limitation on reruns, unlike the limit on network programming in the prime time access rule, would "censor at

its source" television programs and would thereby "impose a direct and impermissible prior restraint upon protected speech without discernible, countervailing public benefit". The First Amendment and past Commission decisions permit only "minimal" involvement with programming and only when there is more than the "speculative gain" possible here to support the action. The Supreme Court has said that there must be a compelling governmental interest implemented through a regulation drawn with "narrow specificity" in order to justify some limitation on freedom of expression. In this case, the proposal would amount to substituting the Commission's view for that of the licensee in determining what "is or is not a good program". On the question of Hollywood unemployment, Post-Newsweek states that it can find no basis in the Communications Act for the Commission to attempt to "prime" a regional economy. In the same context, Post-Newsweek urges the Commission not to subordinate licensee freedom of expression to transitory individual interests. Post-Newsweek also warns that "newness is not synonymous with originality or creativity" and a restriction on reruns would not be a guarantee of either.

26. Some members of the viewing public, while not supporting reruns as a practice, indicate their opposition to governmental involvement in programming decisions. Some others claim that reruns provide an opportunity to see programs missed the first time they were broadcast.

27. Two parties who filed extensive comments do not take a firm position on the question of a rerun limitation. They present the Commission with additional information and policy questions which they believe should be considered in the context of this proceeding.

28. The National Black Media Coalition (NBMC) claims that a restriction on reruns with the exception of news and public affairs programs would serve First Amendment interests. However, NBMC feels that the Commission should request additional information before proceeding, including predictions on the effect of such a restriction on violence on network television and on opportunities for black-produced programs. Employment in Hollywood, NBMC argues, should not be a basis for Commission action because this would place the Commission in an awkward position on the side of the people who work for those it regulates. Nonetheless, the Commission should, in gathering additional information, attempt to ascertain the impact of the rerun practice on black employment.

29. A broadcast law class at the University of Tennessee (Tennessee) suggests that it is a waste of talent and money to prepare a program for a one-time showing to only approximately 14% of the potential viewers. Programs should be given an additional airing in order to permit people who missed them the first time to see them on a second showing. Generally, it is preferable to leave the economics of the program production industry to competition and free enterprise. Market forces will solve the problem in the years ahead, although it is recognized that a rerun limitation at this time might have a positive effect on industry employment. Broadcasters should consider self-regulation to limit reruns. If the Commission adopts a limitation, the result might be to give smaller stations and lesser known talent greater opportunities for exposure. These decreased costs might also permit smaller businesses to advertise on television, thereby promoting competition. Also, large amounts of inferior quality programming might drive people away from television, with the result of lower advertising costs for small businesses. Other results might include networks becoming more sensitive in selecting programs, choosing to repeat only the best. On the other

⁶NBC took this position in its original filing in response to the Balmuth petition for rule making; subsequent filings did not advocate repeal of the prime time access rule, consistent with NBC's later filings in Docket 19622.

⁷Metromedia notes, however, that five of its six television stations are independents and as such, would not be subject to the restriction, as proposed.

hand, stations might choose to broadcast more reruns during non-prime time periods, thereby at least partially defeating the purpose of the proposed restriction.

BREAKDOWN OF LETTERS FROM THE PUBLIC

30. The letters from members of the viewing public, referred to in paragraphs 14 and 26 above, and elsewhere, included some 1,137 letters received during the period from the beginning of October 1974, to the beginning of March 1976 (plus a few, all favoring a rerun restriction, received since early March 1976). Of the letters, 563, or almost exactly half, were from California (53 of the 1,137 did not give an indication as to location); the remainder were rather widely distributed. Of the letters, 20 (4 from California) opposed a rerun restriction; the rest favored it. A total of 186 letters (120 from California) mentioned the employment and industry welfare aspect of the question, including 42 specific references to the writers, or relatives or friends, being involved, and 144 general references (90 general and 30 specific references from California). The remaining letters did not mention this subject. A total of 63 letters (30 from California) contained expressions to the effect that the writers were elderly or infirm and therefore relied on TV heavily for their entertainment.

ON-AIR IDENTIFICATION OF RERUNS

31. On the question raised in the Notice concerning identification of reruns, most parties favoring the rerun limitation also favor the on-air announcement, whereas those opposed to the limitation also oppose a required notice.

32. Alliance argues that the proper labeling of reruns—including the original date of the network showing and the number of serial episode—would permit a viewer to make an informed choice as to whether or not to watch a particular program. Hollywood argues in favor of the announcement so that viewers would know that what they are about to watch is a rerun. Tennessee feels that the on-air identification is a good idea because it would inform the consumer of exactly what he or she is getting. Those few members of the public who commented on this point tend to be evenly divided, with those favoring the announcement citing it as an aid in deciding what to watch.

33. Affiliates object vigorously to the idea of an announcement, referring to the "complexity of such an undertaking" and the time "subtly" taken from program commercial presentation and cohesion. CMU says that an announcement would serve no function and would contribute to visual and/or audio "clutter". Metromedia says that there is no "demonstrated need" for a warning. It would not tell the viewer whether or not he or she has seen the program before; it might be confusing and misleading; and, due to pre-emptions, a network warning would be inaccurate in many markets. ABC says that the identification would be irrelevant because for six out of seven people, the rerun is the first time that they have seen the program. In order for a viewer to be certain that he was not about to see a program which he had seen before, he would likely have to have watched every one of the original programs when broadcast. ABC notes in addition that there are alternative sources to which a viewer can turn to determine if he or she has already seen a particular program. CBS also argues that identification is irrelevant and that viewers have other sources of information to consult. Furthermore, CBS objects on the ground that labeling a program a "rerun" tends to suggest that there is something inferior about it. On the question of possibly requiring the numbering of programs, CBS says that it is unlikely that many viewers

would maintain a program log in order to keep track of what they had seen. The identification would add "clutter" and local pre-emptions would further complicate matters. On the other hand, if the Commission were to impose the identification requirement on the stations rather than the networks, the result would be "downright burdensome". Members of the public who object to the identification generally refer to the visual or audio clutter which would likely result.

APPENDIX B

PARTIES FILING FORMAL COMMENTS

In support of rerun limitation:
 Petitioner, Bernard A. Balmuth
 American Federation of Musicians
 International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators
 Congressman Alphonzo Bell
 The Caucus for Producers, Writers and Directors
 Senate, California Legislature
 Film and Television Coordinating Committee
 Hollywood Film Council, Screen Actors Guild, and Writers Guild of America, West, Inc.
 22 Members of Congress

In opposition to rerun limitation:
 American Broadcasting Companies, Inc.
 CBS, Inc.
 National Broadcasting Company, Inc.
 CBS Television Affiliates
 Capitol Broadcasting Company, Inc.; Clay Broadcasting Corp.; Griffin Television, Inc.; Leake TV, Inc.; Hubbard Broadcasting, Inc.; New York, Inc.
 Gamma Beta Chapter, Alpha Epsilon Rho National Honorary Society, Central Michigan University
 Leake TV, Inc.; Hubbard Broadcasting, Inc.; Rust Craft Broadcasting of New York, Inc.
 Metromedia, Inc.
 National Association of Television Program Executives, Inc.
 Post-Newsweek Stations, Inc.
No firm position:
 National Black Media Coalition
 Broadcast Law and Regulations Class of the College of Communications, University of Tennessee, Knoxville

APPENDIX C

RERUN PRACTICES AND ECONOMICS

1. The following is an attempt to consolidate information submitted in comments in this proceeding, first describing the rerun phenomenon and secondly, describing and predicting its impact, as well as the impact of a proposed limitation on reruns, on the economics of network broadcasting. Generally speaking, the reasons advanced to explain current rerun practices include the following: (a) increasing program and network costs; (b) economic need to make more efficient use of programming through rebroadcast; (c) intense competition among networks; (d) alleged "non-productive" practices of Hollywood unions; and (e) public preferences for longer, more expensive programs.

2. *Rerun Practices.* Reruns, as defined at paragraph 5 of the text of this document, have grown in number in recent years from a period occupying basically the summer months up to the present level of nearly 50% of all programming in prime time.

3. Petitioner relates that until 1960, most television series consisted of 32 to 39 episodes, with 13 of the best repeated during the summer months. In 1963, 34 of 92 series began reruns by the middle of April. A survey conducted by petitioner in the Los Angeles area during the period September 12, 1970 through September 11, 1971 reveals that reruns occupied a total of 43½% of prime time.

4. A somewhat later study, prepared by the Film and Television Coordinating Committee (FTCC) shows rerun figures for various regions of the country. In the Midwest, for example, April 1972, original v. rerun programming was as follows for each of the networks.

	ABC	CBS	NBC
Original.....	184	227	291
Rerun.....	697	654	591

5. Hollywood Film Council, Screen Actors Guild, and Writers Guild of America, West, Inc. submitted a September, 1974 study prepared by the accounting firm of Cooper and Lybrand, showing the distribution of rerun programming over the period December, 1972 through November, 1973. Those figures indicate that the percentage of reruns ranged from 6.3 to 25.7% during the months September through March, and then rose to a range of 66.9 to 89.7% during the remainder of the year. With respect to network prime time program series, the number of original and rerun half-hours in the months from April through August was as follows: April 157-508; May 58-635; June 35-617; July 71-616; August 96-580.

6. ABC presents figures which show that over the twelve year period from 1962 through 1974, the percentage of original programming has fluctuated from a high of 87% to the present level of 57%, averaging 57 percent for regularly scheduled prime time programs.¹

7. NBC's figures show that reruns have increased from 29% in 1961-62 to 35.8% in 1973-74. With the exception of situation comedies, dramatic programs and feature motion pictures, there was, NBC notes, a slight decrease in reruns during this period.

8. *Economics.* There are two separate economic issues involved here. One is the question of the industry's economic position and the role of reruns in the overall financial picture of network television broadcasting. The second is the subject of the effect of reruns on levels of employment in Hollywood.

(a) *Programming Economics.* Petitioner asserts that the networks and their affiliated stations have sufficient financial resources to absorb whatever increase in expenses result from a Commission-imposed limitation on reruns. According to Hollywood, adoption of petitioner's proposal would result in a decrease in network profits from \$148.8 million² to \$38.1 million. ABC predicts that its prime time program costs would increase \$29.9 million in order to present 32 new/16 repeat programs and would rise \$49.9 million under a 36 new/12 repeat program requirement—all based on 48 series programs per year. NBC claims that whatever increase in reruns has occurred in recent years has been

¹ ABC further notes that the current practice in the television industry is to produce 22 original episodes of a program and to repeat each one once, resulting in these programs being broadcast during 44 of the 52 weeks. The remaining 8 weeks (or about 15% of the year) are devoted to special programming which the network does not normally repeat. This includes live coverage of sports event, series which are unsuccessful and cancelled at mid-season (or earlier), new programming during the summer, theatrical motion pictures not rebroadcast in the same season, special programming and seasonal programming.

² According to Commission figures, network television profits rose to \$184.9 million in 1973 and to \$225 million in 1974. They declined in 1975 to about \$208 million.

the result of a need of both networks and program suppliers to amortize continuously and rapidly increasing program costs over more plays of each program. The cost of an hour situation comedy or dramatic program has risen from \$94,000 in 1960 to \$225,000 today, NBC states. The median range of prime time revenues has increased much less during the same period. NBC adds that during the period 1959-70, network revenues increased 161%, expenses increased 169% and program costs rose 177%. While profits rose 57%, profits expressed as a share of total revenue dropped from 7.3% to 4.4%. Based on those figures, NBC would incur increased costs of \$1,125,000 for each percentage point of decrease in reruns.

(b) *Employment.* Petitioner argues that the increase in reruns has had a direct and severe impact on Hollywood employment in production fields. Hollywood submits that the use of reruns in prime time alone has resulted in a total loss of production payroll of almost \$320,000,000 per year. May 1974 figures submitted by Hollywood indicate that unemployment for a number of industry unions and their locals ranges from 85% unemployed for the 29,000 member Screen Actors Guild to 10.4% unemployed for local 165 of the Projectionists union. Hollywood predicts that adoption of a 25% limitation on prime time reruns would decrease annual payroll loss from \$319.6 million to \$194.9 million.⁹

[FR Doc.76-21380 Filed 7-22-76;8:45 am]

[Docket No. 20611, File No. BRH-1402, Docket No. 20612, File No. BPH-9229]

UNITED BROADCASTING CO., ET AL.

Memorandum Opinion and Order; Enlarging Issues, Corrections

By the Review Board:

In re applications of United Broadcasting Co. (KBAY), San Jose, Calif., for renewal of license; and Public Communicators, Inc., San Jose, Calif. for construction permit.

1. Page 17 of the Review Board's Memorandum Opinion and Order released July 13, 1976 (FCC 76R-193), (41 FR 29210, July 15, 1976) is corrected as follows:

Change the number of the first paragraph 23 to paragraph 22.

On line 5 of paragraph 23 change "an" to "a."

On line 7 of paragraph 23 change "Identically" to "Identically."

Released: July 16, 1976.

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-21375 Filed 7-22-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

STRATEGIC PETROLEUM RESERVES

Availability of Background Information and Justifications of Data for Draft Programmatic Environmental Impact Statement

On June 21, 1976, FEA issued a Notice of Availability of a Draft Programmatic

⁹ The Commission set forth a description of various "Impact on Hollywood" arguments in the Second Report and Order in Docket 19622 (Prime Time Access Rule), 50 FCC 2d 829, 867-871 (1975).

Environmental Impact Statement on the creation of a system of Strategic Petroleum Reserves. (41 FR 26262, June 25, 1976)

FEA hereby announces that it also has available for inspection and copying, detailed background information with respect to, and justifications of data contained in, the draft programmatic environmental impact statement. This material pertaining to the draft programmatic environmental impact statement may be inspected and copied in the FEA Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Issued in Washington, D.C., July 19, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-21248 Filed 7-20-76;8:45 am]

FEDERAL MARITIME COMMISSION

NORTH EUROPE/U.S. PACIFIC AND MEDITERRANEAN/NORTH PACIFIC COAST FREIGHT CONFERENCES

Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on August 20, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

NORTH EUROPE & MEDITERRANEAN U.S. PACIFIC CONFERENCE RATE AGREEMENT Notice of Agreement Filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.
Stanley O. Sher, Esquire, Billig, Sher & Jones, P. C., Suite 300, 2033 K Street, NW., Washington, D.C. 20006.

Agreement No. 10256, between the North Europe U.S. Pacific Freight Conference and the Mediterranean North Pacific Coast Freight Conference provides for discussion and agreement between the conferences with respect to rates, costs, self-policing, cargo inspection and enforcement, cargo movements and routing, modes and frequency of service, tariffs, interchange with land carriers and other ancillary shoreside activities. All of the above are subject to independent action on the part of each conference on 48 hours notice. The agreement is to remain in effect for three years from the date of approval by the Federal Maritime Commission.

By Order of the Federal Maritime Commission.

Dated: July 20, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-21382 Filed 7-22-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-757]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

Filing of Wholesale Electric Service Agreement

JULY 12, 1976.

Take notice that on June 21, 1976, Central Illinois Public Service Company tendered for filing a proposed new Wholesale Electric Service Agreement with the City of Roodhouse. The Agreement is proposed to become effective July 22, 1976.

Rate Schedule W-2, under which the City of Roodhouse will be billed, was previously filed with the Commission and approved in Docket No. ER76-311 to become effective January 1, 1976.

A copy of the filing was sent to the City of Roodhouse.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-21322 Filed 7-22-76;8:45 am]

[Project No. 2325]

CENTRAL MAINE POWER CO.

Application for Approval of Conveyance of Interests in Project Lands

JULY 16, 1976.

Public notice is hereby given that an application was filed on March 9, 1976,

under the Federal Power Act (16 U.S.C. §§ 791a-825r) by the Central Maine Power Company (Correspondence to: Edwin W. Thurlow, President, Central Maine Power Company, General Office, 9 Green Street, Augusta, Maine 04330) for approval of a conveyance of interests in project lands at Weston Project No. 2325, located on the Kennebec River in the Town of Skowhegan, Somerset County, Maine.

The Licensee requests authority to grant permanent and temporary easements to the Maine Department of Transportation for the improvement of certain existing highways, construction of a temporary highway bridge, construction of two permanent highway bridges, and associated facilities, portions of which would utilize lands of Weston Project No. 2325. The two bridges to be replaced are the North and South Channel bridges (Part of U.S. Route 2) over the Kennebec River in the town of Skowhegan, Somerset County, Maine. A permanent easement is necessary to replace the deteriorating bridges with wider spans and larger drainage facilities. The present easement for the North Channel bridge would be widened from 45 feet to 70 feet, and the South Channel bridge easement would be widened from 50 to 60 feet. A temporary easement about 36 feet wide and 365 feet long is necessary to allow the construction of a temporary bridge over project waters immediately downstream of the South Channel bridge during the replacement of this bridge. Traffic will be maintained over alternate halves of the north span during its replacement.

The proposed North Channel bridge would be a three lane single span bridge. It would be 126.5 feet long, with a 40-foot roadway section, with sidewalks five feet and 10.7 feet wide. The South Channel bridge would be a 226-foot-long three lane double span structure with a 36.5-foot roadway and two five-foot sidewalks. The temporary bridge over the South Channel would be mounted on piles and would provide a 24-foot roadway and a five-foot sidewalk.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 30, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.0 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing thereon must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission

by Sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b) (18 CFR § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein and if the applicant or initial pleader requests that the shortened procedure of Section 1.32(b) be used. If an issue of substance is so raised or applicant or initial pleader fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-21321 Filed 7-22-76; 8:45 am]

[Project No. 2232]

DUKE POWER CO.

Order Authorizing Easement Over Project Lands

JULY 13, 1976.

Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt.

On December 3, 1975, Duke Power Company (Licensee) filed an application for Commission authorization to grant an easement to Spring Mills, Inc. (Grantee) for the construction, operation, and maintenance of a sewer line and outfall into Fishing Creek Reservoir, part of the Fishing Creek Development of Licensee's Catawba-Wateree Project No. 2232. The proposed sewer line and outfall would serve Grantee's existing Grace Wastewater Treatment Plant, located outside the project boundary, and would discharge treated effluent into project waters.

The affected project lands are located in Lancaster County, South Carolina, about 2,400 feet north of the confluence of the Catawba River and Cane Creek. The subject easement would cover a right-of-way approximately 523 feet long and 100 feet wide, and would contain a 30-inch reinforced concrete pipe about 373 feet long, a manhole five feet in diameter and five feet deep, and a 28-inch high density polyethylene pipe about 138 feet long. The concrete pipe and the manhole have already been constructed. All pipes would be either buried or submerged in the Fishing Creek Reservoir.

The polyethylene pipe would extend about 85 feet from the normal high water mark on the shoreline of the Fishing Creek Reservoir into the main channel of the Catawba River. This pipe would be anchored to the reservoir bottom by four steel piles and seven concrete collars. A 20 by 26-inch concentric reducer at the end of the pipe would function as

a nozzle to facilitate the diffusion of the effluent into the water.

The normal high water elevation of the Fishing Creek Reservoir is 417.2 feet m.s.l. (mean sea level). Normal drawdown of the reservoir is ten feet, to 407.2 feet m.s.l., and maximum drawdown is 15 feet, to 402.2 feet m.s.l. During any drawdown in excess of ten feet, buoys would be placed around the pipe in the interest of boating safety.¹

The Grace Wastewater Treatment Plant processes industrial wastewater from Grantee's Grace Finishing Plant, where textile products are dyed and finished. The proposed effluent line and outfall would replace an existing facility that discharges a maximum of 12 mgd (million gallons per day) of wastewater at the surface level of Cane Creek, a downstream tributary to the Catawba River. Discharge of this effluent into the main river channel would improve mixing with river water and thus result in improved water quality in portions of the reservoir.²

Article 32 of the license for Project No. 2232 specifies a minimum average daily flow of 411 cfs (cubic feet per second) from the Catawba Development,³ which is the development immediately upstream from the Fishing Creek Reservoir. With such a flow, and with the sewer line discharging the maximum 12 mgd of effluent, the dilution factor would be 22:1. Dilution with the average flow would of course be somewhat greater. Inasmuch as stream flows would vary with the amount of water passed through the power plant at the upstream Catawba Development, the concentration of the effluent in the receiving water would be expected to fluctuate according to the operational status of that plant.

Fishing Creek Reservoir is classified by the South Carolina Department of Health and Environmental Control as a Class A body of water, denoting uses for domestic water supply (after treatment), swimming, and other purposes requiring water of lesser quality. There is no indication that this classification would change as a result of operation of the new discharge facilities.

On March 16, 1973, the U.S. Environmental Protection Agency (EPA) issued National Pollutant Discharge Elimination System (NPDES) Permit No. SC 0003255 to Grantee for the effluent discharge pursuant to Section 402 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1342. This permit, which provides for a maximum discharge of 12 mgd, expires on

¹ The greatest drawdown of the Fishing Creek Reservoir recorded during the past ten years was eight feet.

² A preliminary review of available data compiled by the U.S. Environmental Protection Agency's National Eutrophication Survey and published in November, 1974, shows Fishing Creek Reservoir to be potentially eutrophic.

³ See Order Issuing License (Major), Duke Power Co., Project No. 2232, 20 F.P.C. 360, 372 (1958).

March 16, 1978.* Grantee has also obtained Construction Permit No. 3404 dated April 18, 1975, from the South Carolina Department of Health and Environmental Control for construction and operation of the treatment plant and effluent line. Finally, the U.S. Department of the Army, Corps of Engineers, has issued a permit dated January 22, 1976, authorizing the construction in navigable waters.

The agreement by which the easement would be granted provides that in the construction, operation, maintenance, use, and removal of the effluent line, Grantee will comply with all applicable local, State, and Federal laws, as well as all orders, rules, regulations, and sanctions of any regulatory body or governmental agency having jurisdiction in the premises. The agreement further contains a covenant in accordance with paragraph (C) of Commission Order No. 313¹ to the effect that the use of project lands will not endanger health, create a nuisance, or otherwise be incompatible with overall recreational use of the project. Licensee would receive ten dollars for the easement.

The license for Project No. 2232 does not include an Exhibit R (recreational use plan). Pursuant to Article 30 of the license, however, Licensee has set aside certain areas on the various project reservoirs for the purpose of free public access.² In addition, Licensee has reported on the recreational use of project lands and waters in the Form No. 80 filed biennially pursuant to Section 8.11 of our Regulations, 18 C.F.R. § 8.11 (1975). Construction, operation, and maintenance of the effluent line would not interfere with current recreational use at the project. Moreover, we find that the improvement of Grantee's existing secondary waste treatment system, with a resultant improvement in the water quality and the aesthetics of the project area, is a development that comports with the public interest.

Construction of the effluent line would cause only minor localized and short-term disturbances to the environment of the project area, and operation of the facilities would result in an improvement in aesthetics and water quality without affecting project operations. We conclude that our authorization of the subject easement would not constitute a major Federal action significantly affecting the

quality of the human environment, and thus would not require preparation of a detailed impact statement pursuant to the provisions of Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. § 4332(2)(C).

Public notice of the application was issued on March 29, 1976, with May 14, 1976, as the last day for filing of protests or petitions to intervene. Notice of the application was published in the *FEDERAL REGISTER* on April 6, 1976, 41 FR 14608. No protests, notices of intervention, or petitions to intervene were received. By letter dated December 2, 1975, Licensee requested use of the shortened procedures provided for under Section 1.32(b) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.32(b) (1975).

At a meeting held on July 7, 1976, the Commission on its own motion received and made a part of the record in this proceeding all pleadings, submittals, and other evidence filed in regard to the application here at issue, and upon consideration of the record.

The Commission finds: (1) The subject application conforms to the Commission's Rules and Regulations.

(2) Authorization of the grant by Duke Power Company to Spring Mills, Inc., of the easement discussed in this order would not constitute a major Federal action significantly affecting the quality of the human environment.

(3) Construction, operation, and maintenance of the effluent line discussed in this order would not be inconsistent with recreational use at the project.

(4) It is appropriate for the purposes of the Federal Power Act and in the public interest that Duke Power Company be authorized to grant the subject easement to Spring Mills, Inc.

The Commission orders: (A) Duke Power Company is hereby authorized to grant the easement discussed in this order to Spring Mills, Inc., subject to the terms and conditions contained in the agreement by which the easement is to be granted.

(B) Duke Power Company shall file with the Commission a copy of the executed agreement within 60 days of its execution.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-21330 Filed 7-22-76; 8:45 am]

[Docket Nos. E-8769, E-8770, E-9119,
ER76-218, ER76-219]

FLORIDA POWER & LIGHT CO.

Further Extension of Time

JULY 16, 1976.

On June 29, 1976, Florida Power and Light Company filed a motion to extend the procedural dates fixed by order issued July 3, 1975, as most recently modified by notice issued May 25, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Testimony, August 6, 1976.
Service of Staff Testimony, October 1, 1976.
Service of Intervenor Testimony, October 15, 1976.
Service of Company Rebuttal, October 27, 1976.
Hearing, November 16, 1976 (10 a.m., e.s.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-21329 Filed 7-22-76; 8:45 am]

[Project No. 1951]

GEORGIA POWER CO.

Order Authorizing Easement Over Project Lands

JULY 13, 1976.

Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt.

On February 24, 1975, Georgia Power Company (Licensee) filed an application for Commission authorization to grant an easement to General Telephone Company of the Southeast (GTC) to allow the installation of an aerial telephone cable on and across lands and waters of the Lake Sinclair Project, FPC No. 1951. The project lands and waters that would be affected by the proposed easement are located in Baldwin County, Georgia, on upper Rocky Creek, an arm of the project reservoir.

The proposed instrument of conveyance does not specify a width for the easement, but states that GTC would be given the right to construct, operate, and maintain the telephone cable, with right of entry for purposes of inspection, repair, and minor alterations. Construction of the cable would entail the installation of two poles, supported by guy wires, on either side of Rocky Creek. Plastic-covered telephone cable, supported by steel cable with a breaking strength of approximately 6,000 pounds, would then be strung over the reservoir between the two poles. The total length of the cable over project lands and waters would be approximately 515 feet. The minimum clearance between the cable and the reservoir surface would be 26 feet at the normal full pool elevation of 340 feet m.s.l.

The proposed instrument of conveyance contains a provision in accordance with paragraph (C) of Commission Order No. 313,¹ that GTC's use of the lands will not endanger health, create a nuisance, or otherwise be incompatible with the recreational use of project lands. The instrument also provides that the rights granted to GTC thereby shall be subject to the terms and conditions of the license for Project No. 1951, and to such orders, rules, and regulations as the Commission may issue.

The location and use of the proposed cable would not interfere with any of the

¹ Recreational Development at Licensed Projects, Docket No. R-294, 34 F.P.C. 1546, 1549-50 (1965).

* NPDES Permit No. SC 0003255 has since been modified to limit the permissible zinc concentration in the discharge. This modification was made by the South Carolina Department of Health and Environmental Control, which has taken over administration of the NPDES program in the State from EPA.

² Construction Permit No. 3404 has also been modified to approve the use of a concentric pipe reducer instead of a diffuser structure as originally planned. The State stipulated, however, that in the event an effluent dilution problem develops, replacement of the pipe reducer with the diffuser structure could be required.

³ 34 F.P.C. 1546, 1549-50 (1965).

⁴ Duke Power Co., *supra*, at 370-71.

recreational facilities or areas set aside for recreational purposes in Licensee's Exhibit R, which we approved by order issued on May 20, 1976. The cable would be located approximately 500 feet upstream of an existing 44 kV transmission line crossing Rocky Creek. Environmental effects of the telephone line installation would be negligible; the most significant effect would be the minor aesthetic impact. We conclude that our approval of the proposed easement is not a major Federal action significantly affecting the quality of the human environment. Consequently, an environmental impact statement need not be prepared.

Public notice of the instant application was given on August 18, 1975, and published in the FEDERAL REGISTER, 40 FR 37258. September 29, 1975 was given as the last day for filing protests or petitions to intervene. None has been received.

The Commission finds: (1) The subject application conforms to the Commission's Rules and Regulations.

(2) Authorization of the grant of the easement discussed in this order by Georgia Power Company to the General Telephone Company of the Southeast does not constitute a major Federal action significantly affecting the quality of the human environment.

(3) Construction, operation, and maintenance of the telephone line discussed in this order would not be inconsistent with recreational use of project lands and waters.

(4) It is appropriate for the purposes of the Federal Power Act and in the public interest that Georgia Power Company be authorized to grant the subject easement.

The Commission orders: (A) Georgia Power Company is hereby authorized to grant the easement discussed in this order to the General Telephone Company of the Southeast, subject to the terms and conditions contained in the instrument of conveyance by which said easement is to be granted.

(B) Georgia Power Company shall file with the Commission copies of the executed instrument of conveyance within 60 days of said execution.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-21333 Filed 7-22-76; 8:45 am]

[Docket No. CP76-297]

MC CULLOCH INTERSTATE GAS CORP.
Amendment to Application

JULY 13, 1976.

Take notice that on June 30, 1976,¹ McCulloch Interstate Gas Corporation (Applicant), 10880 Wilshire Blvd., Los

¹The amendment was tendered for filing June 30, 1976; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (78 CFR 159.1) was not paid until July 2, 1976. Thus, filing was not completed until the latter date.

Angeles, California 90024, filed in Docket No. CP76-297 an amendment to its application filed in said docket pursuant to Section 7(c) of the Natural Gas Act, by which amendment Applicant proposes to construct and operate additional facilities, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

The application in this proceeding requests authorization to construct and operate one mile of 8-inch pipeline and appurtenant facilities from the Dilts Wells No. 1 and No. 2, Manning Field, Converse County, Wyoming, to a point of interconnection with Mountain Fuel Supply Company's (Mountain Fuel) 10-inch line in Converse County for sale and delivery of natural gas to Colorado Interstate Gas Company (Colorado Interstate). It was proposed that Mountain Fuel would transport the gas approximately 3.5 miles for delivery to Applicant at an interconnection of Mountain Fuel's line with Applicant's 16-inch Powder River Basin transmission line in Converse County for transportation and delivery to Colorado Interstate at the latter's 16-inch Powder River lateral in Converse County. By the instant amendment Applicant now proposes to construct and operate 3.5 miles of 4½-inch line connecting the proposed gathering line with Applicant's 16-inch Powder River Basin transmission line in Converse County in lieu of having the gas transported that distance by Mountain Fuel.

The amendment indicates that the total cost of all facilities proposed in the subject docket is estimated to be \$235,000, which costs Applicant proposes to finance from funds on hand.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before August 2, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-21318 Filed 7-22-76; 8:45 am]

[Docket No. CP70-22]

MICHIGAN WISCONSIN PIPE LINE CO.
Petition To Amend

JULY 16, 1976.

Take notice that on July 1, 1976, Michigan Wisconsin Pipe Line Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No.

CP70-22 a petition to amend further the Commission's Opinion No. 577 and order issued April 30, 1970, in said docket (43 FPC 635), as amended, pursuant to Section 3 of the Natural Gas Act, by authorizing an increase in the price paid to TransCanada Pipelines Limited (TransCanada) for gas imported into the United States from the current border price of \$1.60 per Mcf to \$1.80 per Mcf effective September 10, 1976, and to \$1.94 per Mcf effective January 1, 1977, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it currently pays TransCanada \$1.60 per Mcf for gas imported pursuant to authorization in the instant docket. Petitioner further states that on June 10, 1976, the Canadian Minister of Energy, Mines, and Resources announced that the price of Canadian natural gas exported to the United States would be further increased in two stages. It is indicated that the first stage would become effective September 10, 1976, and would increase the price from the present \$1.60 per Mcf to \$1.80 per Mcf, and, subsequently, on January 1, 1977, the second stage would become effective and would increase the price to \$1.94 per Mcf.

Petitioner asserts that natural gas imported from Canada forms a vital portion of its gas supply, and that in addition to the 50,000 Mcf per day of Canadian gas that it purchases from TransCanada, it also purchases 271,000 Mcf per day of Canadian gas from Midwestern Gas Transmission Company and 13,000 Mcf per day from Great Lakes Gas Transmission Company. Petitioner states that unless its existing import authorization is amended prior to September 10, 1976, to provide for payment of the increased rates prescribed by the Canadian government, it would be faced with the termination of its gas supply from TransCanada.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 9, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-21332 Filed 7-22-76; 8:45 am]

[Docket No. CP76-427]

MID LOUISIANA GAS CO.
Application

JULY 16, 1976.

Take notice that on July 7, 1976, Mid Louisiana Gas Company (Applicant),

21st Floor, Lykes Center, 300 Poydras Street, New Orleans, Louisiana 70130, filed in Docket No. CP76-427 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant, by means of existing facilities, to render a temporary additional storage service of up to 2,000,000 Mcf of natural gas to Transcontinental Gas Pipe Line Corporation (Transco) during the period August 1, 1976, through July 31, 1977, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant and Transco, it is stated, have entered into an agreement for additional storage service, dated June 30, 1976, under which Transco would make deliveries of up to 22,000 Mcf per day of natural gas for injection into Applicant's Hester Storage Field, St. James Parish, Louisiana, beginning August 1, 1976, and continuing through the 1976 injection season. Additionally, it is indicated, that if during this period Applicant can make available more injection capacity, which total capacity would not exceed 35,000 Mcf per day, it would do so, provided, that the total volumes of gas injected and stored under the June 30, 1976, agreement would not exceed 2,500,000 Mcf. Applicant asserts that, subject to current storage capabilities and existing storage requirements, it would store such gas and redeliver it primarily during the period April 1, 1977, through July 31, 1977; however, Transco may request redelivery prior to April 1, 1977, and, if it can reasonably do so, Applicant would comply with the request, provided, that the maximum withdrawal rate from the field for all purposes is not to exceed 100,000 Mcf per day.

It is indicated that Transco would pay Applicant 28.0 cents for each Mcf of gas stored.

The application shows that Transco is currently developing the Washington Storage Field in St. Landry Parish, Louisiana, and that Transco has advised Applicant that during the continuing development of the Washington Field for storage it has need of temporary additional storage service. Applicant states that the proposed temporary storage service would permit Transco and its customers to husband gas during the 1976 injection season which would otherwise not be possible, and it would provide Transco with additional operating flexibility until its own storage field is more fully developed.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 9, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person

wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-21326 Filed 7-22-76;8:45 am]

[Docket No. G-10632]

NORTHERN ILLINOIS GAS CO. Application

JULY 15, 1976.

Take notice that on June 29, 1976, Northern Illinois Gas Company (NI-Gas), P.O. Box 190, Aurora, Illinois 60507, filed in Docket No. G-10632 an application¹ pursuant to Section 1(c) of the Natural Gas Act for a declaration of NI-Gas' continuing exemption from the provisions of the Natural Gas Act notwithstanding its participation in a scheme for the rescheduling of deliveries and exchange of natural gas for which United Gas Pipe Line Company (United) and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), seek authorization in Docket No. CP76-413 and Tennessee and Midwestern Gas Transmission Company (Midwestern) seek authorization in Docket No. CP76-414, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

NI-Gas notes that in Docket No. CP76-413 United and Tennessee filed an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an exchange of gas and related services between United and Tennessee and that in Docket No. CP76-414 Tennessee and Midwestern filed an application pursuant to Section 7(c) of the Natural Gas

Act for a certificate of public convenience and necessity authorizing a rescheduling of deliveries among Tennessee, Midwestern and NI-Gas. NI-Gas states that under a limited-term exchange agreement between United and Tennessee, dated June 18, 1976, during the period beginning July 1, 1976, and ending October 31, 1976 (subject to extension by up to 15 days if so agreed by the parties), United would deliver to Tennessee an amount of gas up to a total aggregate volume of 10,000,000 Mcf (which volume may be increased by 5,000,000 Mcf under certain circumstances). It is stated that thereafter, during the period beginning November 1, 1976, through March 31, 1977, Tennessee would redeliver to United a volume of gas equal to the total aggregate volumes delivered by United in the previous period.

It is noted by NI-Gas that under the terms of a rescheduling agreement among Tennessee, Midwestern, and NI-Gas, dated June 18, 1976, during the period beginning July 1, 1976, through October 31, 1976 (subject to an extension of up to 15 days if so agreed by the parties), Tennessee would increase deliveries to Midwestern, and Midwestern would increase deliveries to NI-Gas by an amount of gas equal up to a total aggregate volume of 10,000,000 Mcf; provided, however, that NI-Gas agrees to use its best efforts to reschedule an additional 5,000,000 Mcf, subject to a determination, in its sole judgment, that operating conditions on NI-Gas' system permit such an increase in rescheduled volumes. It is indicated that the rescheduling agreement further provides that during the period beginning November 1, 1976, through March 31, 1977, Midwestern and NI-Gas would reduce their takes of gas from Tennessee and Midwestern, respectively, by a volume equal to the total aggregate volume delivered to NI-Gas during the previous period. NI-Gas states that it is advised that the exchange agreement between United and Tennessee is necessary in order to aid United in meeting peak day requirements of its high priority customers; and further, it is stated, that in order to permit Tennessee to enter into the exchange agreement, NI-Gas and Midwestern have agreed to reschedule deliveries under the rescheduling agreement. It is asserted that since the deliveries of rescheduled gas during the period beginning July 1, 1976, through October 31, 1976, would replace volumes normally delivered to Midwestern and NI-Gas during the period beginning November 1, 1976, through March 31, 1977, there would be no net increase in deliveries by Tennessee to Midwestern or by Midwestern to NI-Gas due to the proposed rescheduling.

NI-Gas indicates that the rescheduling agreement between it, Midwestern, and Tennessee is for a limited term ending March 21, 1977, and is intended only as a temporary arrangement to assist Tennessee in meeting its obligations to United under the exchange agreement. It is further stated that all of the natural gas delivered to NI-Gas would be received

¹ The pleading is styled "Petition of Northern Illinois Gas Company to Intervene (in Docket Nos. CP76-413 and CP76-414) and Application for Continuing Exemption under Section 1(c) of the Natural Gas Act (in Docket No. G-10632)".

within the State of Illinois and would be ultimately consumed within said state and that no gas received by NI-Gas would leave the State of Illinois or be redelivered in any way to Midwestern, Tennessee, or United. Accordingly, NI-Gas requests that the Commission declare that NI-Gas would continue to be exempt from the provisions of the Natural Gas Act notwithstanding its participation in the scheme for the rescheduling of deliveries.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 27, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-21320 Filed 7-22-76;8:45 am]

[Docket No. RP76-43]

STINGRAY PIPELINE CO.

Tariff Filing

JULY 16, 1976.

Take notice that on July 12, 1976, Stingray Pipeline Company (Stingray), P.O. Box 1642, Houston, Texas, 77001, filed in Docket No. RP76-43 Seventh Revised Sheet No. 4 to Original Volume No. 1 of its F.P.C. Gas Tariff to become effective on July 1, 1976.

Stingray states that the rate level reflected in Seventh Revised Sheet No. 4 utilizes a 9.17% over-all cost of debt capital for the 70.8% portion of Stingray's capitalization which consists of debt. The interest charges of 9.06% and 9.43% for the third quarter of 1976 have been established pursuant to the terms of the Revolving Credit and Term Loan Agreements dated April 1, 1973 and January 1, 1975, respectively.

Any person desiring to be heard or to make any protest with reference to said tariff filing should on or before August 6, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rule of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestant parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to

intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-21331 Filed 7-22-76;8:45 am]

[Docket No. CI76-678]

TENNECO OIL CO.

Application for Certificate of Public Convenience and Necessity Under Optional Procedure

JULY 16, 1976.

Take notice that on July 9, 1976, Tenneco Oil Company (Applicant), P.O. Box 2511, Houston, Texas 77001, filed an application for a certificate of public convenience and necessity in Docket No. CI76-678, pursuant to Section 7 of the Natural Gas Act and Section 2.75 of the Commission's General Policy and Interpretations. Tenneco Oil seeks authorization to sell gas from its 50 percent working interest in reserves in West Cameron South Addition Block 638 at an initial rate of \$2.8775 per Mcf with a 5 cent annual escalation. The gas will be sold to Tennessee Gas Pipeline Company, a Division of Tenneco Inc., pursuant to a June 15, 1976 contract. Applicant requests pregranted authorization to abandon service fifteen years after the date of initial deliveries. Tenneco alleges that it is currently suffering drainage from this acreage to Sun Oil Company and respectfully urges the Commission to act expeditiously upon this application so that it may commence deliveries as soon as possible.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 9, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

[FR Doc.76-21324 Filed 7-22-76;8:45 am]

[Docket No. RP76-17]

TEXAS GAS TRANSMISSION CORP.

Deferral of Procedural Dates

JULY 16, 1976.

On June 28, 1976, Texas Gas Transmission Corporation filed a motion to defer the procedural dates fixed by order issued October 31, 1975, as most recently modified by notice issued February 9, 1976, in the above-designated proceeding, pending further settlement negotiations.

Upon consideration, notice is hereby given that the procedural dates in the above matter are deferred pending further action by the Commission.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-21327 Filed 7-22-76;8:45 am]

[Docket No. E-9496]

UNION ELECTRIC CO.

Revised Tariff Sheets

JULY 14, 1976.

Take notice that on July 6, 1976 Union Electric Company (Union) tendered for filing revised tariff sheets to its FPC Electric Tariff W-2:

Second Revised Sheet No. 2.
Fourth Revised Sheet No. 3.
Sixth Revised Sheet No. 5.
Third Revised Sheet No. 6.
Sixth Revised Sheet No. 7.
Fifth Revised Sheet No. 21.

Union states that, except for changes in the rate values on Sheets 5 and 7 to comply with the Settlement Agreement approved by the Commission on June 7, 1976, all other sheets are the same as Union's initial filing with the effective date changed to September 13, 1975.

Union tendered also a title page and an amendment to the Electric Service Agreement between it and Missouri Power and Light Company, designated as Union's FPC Electric Tariff No. 49. Union states the only change from its initial filing is the rate value to comply with the Settlement Agreement.

Union tendered a title page and an Electric Service Agreement between it and Missouri Utilities Company, designated as Union's FPC Electric Tariff No. 88. Union states the only changes are those in rate values to comply with the Settlement Agreement.

Any person desiring to be heard should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such comments should be filed on or before August 2, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-21319 Filed 7-22-76;8:45 am]

[Docket No. CP76-429]

UNITED GAS PIPE LINE CO.

Application

JULY 16, 1976.

Take notice that on July 8, 1976, United Gas Pipe Line Company (Appli-

cant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP76-429 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the natural gas transportation service presently rendered to Union Texas Petroleum, a Division of Allied Chemical Corporation (Union Texas), under Applicant's Rate Schedule X-38 providing for the receipt of up to 16,000 Mcf of gas per day by United at Price Lake Field, Cameron Parish, Louisiana, for transportation and redelivery to Union Texas by United at a point on United's 30-inch Kosciusko Line near Geismar, Ascension Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that an investigation of "non-ratable curtailment" on its system was established by order issued October 31, 1975, Docket No. RP71-29, et al., (Phase IV). It is indicated that non-ratable curtailments occur in four "locked-in areas" on United's system and result from physical and/or contractual restrictions which limit the use of gas to within these "locked-in areas", thus, preventing this gas from being utilized throughout United's entire system, and, further, that at times the supply available to customers in "locked-in areas" exceeds the volume necessary to maintain deliveries to these customers at the system-wide curtailment level. Applicant asserts that in these instances, the customers on the locked-in lines receive more gas than the remaining customers on its system.

Applicant submits that the solution to the non-ratable curtailment addressed in Docket No. RP71-29, et al., (Phase IV), would be hastened by the proposal termination of the Union Texas agreement and abandonment of the subject transportation service and that abandonment of such service would reduce non-ratable curtailments in the Lafayette District by approximately 423,000 Mcf during the period between November 1, 1976, and October 31, 1977. Further, it is stated that continuation of the subject transportation service would only exacerbate the problem of non-ratable curtailment in the Lafayette locked-in district and is therefore unwarranted, and that for this reason Applicant believes that its proposal is in the public interest and abandonment of the transportation service should be permitted.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 10, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a

party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-21323 Filed 7-22-76;8:45 am]

[Docket No. CP76-430]

UNITED GAS PIPE LINE CO.

Application

JULY 16, 1976.

Take notice that on July 8, 1976, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP76-430 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the natural gas transportation service presently rendered to Sugar Bowl Gas Corporation (Sugar Bowl) under Applicant's Rate Schedule X-37 providing for the receipt of up to 30,000 Mcf of gas per day by United at Lake Bully Camp Field, Lafourche Parish, Louisiana, for transportation and redelivery to Sugar Bowl by United at a point on United's 30-inch Kosciusko Line near Geismar, Ascension Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that an investigation of "non-ratable curtailment" on its system was established by order, issued October 31, 1975, in Docket No. RP71-29, et al., (Phase IV). It is indicated that non-ratable curtailments occur in four "locked-in areas" on United's system and result from physical and/or contractual restrictions which limit the use of gas to within these "locked-in areas", thus preventing this gas from being utilized throughout United's entire system, and, further, that at times the supply available to customers in "locked-in areas" exceeds the volume necessary to maintain deliveries to these customers at the system-wide curtailment level. Applicant asserts that in these instances, the customers on the locked-in lines receive more gas than the remaining customers on its system.

Applicant submits that the solution to the non-ratable curtailment addressed in Docket No. RP71-29, et al., (Phase IV), would be hastened by the proposed termination of the Sugar Bowl agreement and abandonment of the subject transportation service and that abandonment of such service would reduce non-ratable curtailments in the New Orleans District by almost 1,000,000 Mcf, or by about 14 percent, during the period between November 1, 1976, and October 31, 1977. Further, it is stated that continuation of the subject transportation service would only exacerbate the problem of non-ratable curtailments in the New Orleans locked-in district and is therefore unwarranted, and that for this reason Applicant believes that its proposal is in the public interest and abandonment of the transportation service should be permitted.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 10, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-21325 Filed 7-22-76;8:45 am]

[Docket No. RP75-109]

UNITED GAS PIPELINE CO.

Further Extension of Time

JULY 16, 1976.

On June 22, 1976, Staff Counsel filed a motion to extend the procedural dates

fixed by order issued July 7, 1975, as most recently modified by notice issued February 23, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, August 27, 1976.
Service of Intervenor Testimony, September 24, 1976.

Service of Company Rebuttal, October 22, 1976.

Hearing, November 3, 1976 (10 a.m., e.s.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-21328 Filed 7-22-76;8:45 am]

NATIONAL GAS SURVEY; TRANSMISSION, DISTRIBUTION & STORAGE—TECHNICAL ADVISORY TASK FORCE—RATE DESIGN

Meeting

North Building—Room 3401, Federal Power Commission, Union Plaza Building, 941 North Capitol Street, NE., Washington, D.C. 20426, August 12-13, 1976, 11 A.M.

Presiding: Mr. John F. Craig, Coordinating Representative and Secretary, Federal Power Commission.

1—Call to Order—Mr. John F. Craig.
2—Presentation of views on Marginal Costing by Messrs. Frazier, Hill, Poole, Quinn, Tybout and Viren.

3—Open discussion by the Task Force on Marginal Costing and the views presented above.

4—Comments on the recommendations presented May 21, 1976, by Subgroups 1A and 1B.

5—Establishing next meeting date and agenda.

6—Discussion of other matters.

7—Adjournment—Mr. John F. Craig.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Committee.

KENNETH PLUMB,
Secretary.

[FR Doc.76-21448 Filed 7-21-76;9:49 am]

NATIONAL GAS SURVEY; FINANCE-TECHNICAL ADVISORY COMMITTEE

Meeting

Conference Room 5200, Federal Power Commission, Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, August 12, 1976, 10 a.m.

Presiding: Mr. Jack Adelman, FPC Coordinating Representative and Secretary, Federal Power Commission.

¹ This meeting replaces a previously scheduled meeting of the Transmission, Distribution & Storage-Technical Advisory Task Force-Rate Design which was to meet July 8-9, 1976. The meeting for July 8-9, 1976 was cancelled.

1 Call to order and introductory remarks—Mr. Adelman.

2 Remarks by chairman and vice chairman—Mr. Edward Symonds, Mr. Charles Freund.

3 Review and revision of draft reports.

4 Section of next meeting date.

5 Other business.

6 Adjournment—Mr. Adelman.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements if in written form, may be filed before or after the meeting, or if oral at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-21449 Filed 7-21-76;9:49 am]

NATIONAL GAS SURVEY; SUPPLY-TECHNICAL ADVISORY TASK FORCE-REGULATORY ASPECTS OF SUBSTITUTE GAS (DRAFTING COMMITTEE)

Meeting

Conference Room 5200, Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, August 13, 1976, 9 a.m.

Presiding: Mr. William J. McCabe, FPC Coordinating Representative and Secretary, National Gas Survey.

1 Call to order—Mr. William J. McCabe.

2 Introductory remarks—Mr. Earl V. Fisher, Texas Eastern Transmission Corporation, Houston, Texas.

3 Review of report to task force—Mr. Earl V. Fisher.

4 Other business.

5 Adjournment—Mr. William J. McCabe.

This meeting is open to the public, any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-21450 Filed 7-21-76;9:49 am]

FEDERAL RESERVE SYSTEM

AGRI-BANK CORP.

Formation of Bank Holding Company

Agri-Bank Corporation, Webster City, Iowa, has applied for the Board's approval under § 3(a) (1) of the Bank Holding Company Act (12 U.S.C. § 1842(a) (1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The Farmers National Bank of Webster City, Iowa. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the

application should submit views in writing to the Reserve Bank, to be received not later than August 13, 1976.

Board of Governors of the Federal Reserve System, July 19, 1976.

J. P. GARBARINI,
Assistant Secretary
of the Board.

[FR Doc.76-21347 Filed 7-22-76;8:45 am]

HORIZON BANCORP

Proposed Acquisition of Mortgage Investment Securities, Inc. and M.I.S.I., Inc.

Horizon Bancorp, Morristown, New Jersey, has applied, pursuant to § 4(c) (8) of the Bank Holding Company Act (12 U.S.C. § 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y (12 CFR § 225.4(b) (2)), for permission to acquire voting shares of Mortgage Investment Securities, Inc., and M.I.S.I., Inc., both of Morristown, New Jersey. Notice of the application was published on:

Date	Newspaper, City, and State
May 22, 1976	Arizona Daily Star, Tucson, Ariz.
May 25, 1976	Arizona Weekly Gazette, Phoenix, Ariz.
Do	Atlanta Journal, Atlanta, Ga.
Do	Atlanta Constitution, Atlanta, Ga.
May 22, 1976	Clearwater Sun, Clearwater, Fla.
May 24, 1976	Fort Lauderdale News, Fort Lauderdale, Fla.
May 22, 1976	The Ledger, Lakeland, Fla.
Do	Sarasota Herald-Tribune, Sarasota, Fla.
May 24, 1976	Chicago Tribune, Chicago, Ill.
May 21, 1976	Morris County's Daily Record, Morristown, N.J.

Applicant states that the proposed subsidiary would engage in the activities of making or acquiring loans and other extensions of credit as would be made by a mortgage company and servicing loans and other extensions of credit for any person. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 16, 1976.

Board of Governors of the Federal Reserve System, July 16, 1976.

J. P. GARBARINI,
Assistant Secretary
of the Board.

[FR Doc. 76-21348 Filed 7-22-76; 8:45 am]

IB&T CORP.

Acquisition of Bank

IB&T Corp., Pocatello, Idaho, has applied for the Board's approval under § 3(a) (3) of the Bank Holding Company Act (12 U.S.C. § 1842(a) (3)) to acquire 80 per cent or more of the voting shares of First Bank of Troy, Troy, Idaho. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 19, 1976.

Board of Governors of the Federal Reserve System, July 19, 1976.

J. P. GARBARINI,
Assistant Secretary
of the Board.

[FR Doc. 76-21349 Filed 7-22-76; 8:45 am]

UNITED BANCSHARES OF NEBRASKA, INC.

Order Approving Formation of a Bank Holding Company

United Bancshares of Nebraska, Inc., Lincoln, Nebraska, has applied for the Board's approval under § 3(a) (7) of the Bank Holding Company Act (12 U.S.C. § 1842(a) (7)) of formation of a bank holding company through the acquisition of 99.2 percent or more of the voting shares of First Westroads Bank, Inc., Omaha, Nebraska ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Applicant is a nonoperating corporation organized for the purpose of becoming a bank holding company through the acquisition of Bank. Bank (deposits of \$12.3 million) ranks 18th out of the 25 banks operating in the Omaha banking market (which is approximated by Douglas County) and controls 0.7 of 1 percent of the total deposits in commercial banks in the market. Upon acquisition of Bank, Applicant would control 0.2 of 1 percent of the total deposits in commercial banks in Nebraska.

The principals of Applicant are also officers and/or directors of NBC Co., Lincoln, Nebraska, a one-bank holding company that owns the National Bank of Commerce Trust and Savings Association, Lincoln, Nebraska. NBC Co. presently is one of nine affiliated one-bank holding companies that individually own banks across the State of Nebraska, collectively holding 7.3 percent of the deposits in commercial banks in the State. The purpose of the transaction is to effect an eventual transfer of the ownership of Bank to the shareholders of NBC Co. The nearest affiliates of NBC Co. are located in Fremont, approximately thirty miles northwest of Bank, and operate in a separate banking market. There is no existing competition between Bank and its potential affiliates. Accordingly, on the basis of the facts of record, the Board concludes that consummation of the proposal would not have any adverse effect on other banks in the relevant market and that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of both Applicant and Bank are considered satisfactory in light of Applicant's commitment to add \$100,000 to Bank's capital. Although Applicant will incur acquisition debt in connection with this proposal, it appears that it will be able to service this debt over a 10-year period without impairing the financial condition of Bank during that time. Furthermore, it appears that the overall financial condition of the other one-bank holding companies in which principals of Applicant are involved is satisfactory. Therefore, considerations relating to banking factors are consistent with approval of the application.

Affiliation with Applicant should enable Bank to expand and improve the banking services it presently offers to its customers. Accordingly, these considerations relating to the convenience and needs of the community to be served are consistent with approval. It is the Board's judgment that consummation of the pro-

¹ All banking data are as of June 30, 1975, and reflect holding company formations and acquisitions approved by the Board through June 30, 1976.

posed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,
effective July 16, 1976.

J. P. GARBARINI,
Assistant Secretary
of the Board.

[FR Doc. 76-21350 Filed 7-22-76; 8:45 am]

GENERAL SERVICES ADMINISTRATION

Federal Supply Service

[GSA Bulletin FPR 23 Federal Procurement]

GSA AREAWIDE PUBLIC UTILITY CONTRACTS

1. *Purpose.* This bulletin provides current information concerning existing GSA areawide public utility contracts for the procurement, by Government agencies, of electric, gas, steam, and water services (see § 1-4.407 of the Federal Procurement Regulations).

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. *List of current contracts.* Attachment A to this bulletin is a list of all GSA areawide public utility contracts in effect as of April 30, 1976. In each case, the attachment shows the kind of utility service, contract number, serving utility, and area served.

4. *Availability of current contracts.* GSA will make available to agencies, upon request, a copy of any areawide contract. Each contract includes the specimen form authorizing service connection, disconnection, or change. Copies of contracts may be obtained from:

General Services Administration (FZU),
Washington, DC 20406, Telephone: (703)
557-8510, FTS 557-8510.

5. *Cancellation.* GSA Bulletin FPR 21, dated December 12, 1973, is canceled.

Dated: July 7, 1976.

WALLACE H. ROBINSON, Jr.,
Commissioner,
Federal Supply Service.

² Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell, Jackson, Partee and Lilly. Absent and not voting: Chairman Burns.

Arcanoid public utility contracts, checklist as of Apr. 30, 1976

Contract No.	Serving utility	Area served
ELECTRIC SERVICE		
GS-OOS-14089	Alabama Power Co.	Alabama.
GS-OOS-14926	Arizona Public Service Co.	Arizona.
GS-OOT-1684(TP)	Boston Edison Co.	Boston and eastern Massachusetts.
GS-OOT-1631(TP)	Central Maine Power Co.	Central, southern, and western Maine.
GS-OOT-1737(TP)	Central Power & Light Co.	Corpus Christi, Tex., and vicinity.
GS-OOT-1659(TP)	Columbus & Southern Ohio Electric Co.	Columbus, Ohio, and vicinity.
GS-OOS-28601	Commonwealth Edison Co.	Chicago and northern Illinois.
GS-OOT-1632(TP)	Consolidated Edison Co. of New York, Inc.	New York City and vicinity.
GS-OOT-1637(TP)	Dayton Power & Light Co., The.	Ohio.
GS-OOT-1776(TP)	Detroit, city of, Public Lighting Commission.	Detroit, Mich.
GS-OOS-14972	Houston Lighting & Power Co.	Houston, Tex.
GS-OOT-1679(TP)	Metropolitan Edison Co.	Eastern Pennsylvania.
GS-OOS-14977	Northern Indiana Public Service Co.	Northern Indiana.
GS-OOS-28647	Pacific Gas & Electric Co.	San Francisco area, northern California, and central California.
GS-OOS-28630	Pennsylvania Power & Light Co.	Central eastern Pennsylvania.
GS-OOT-1626(TP)	Philadelphia Electric Co.	Philadelphia, Pa., and vicinity.
GS-OOT-1554(TP)	Public Service Co. of Colorado.	Colorado.
GS-OOT-1663(TP)	Public Service Co. of Indiana, Inc.	North central, central, and southern Indiana.
GS-OOT-1670(TP)	Public Service Electric & Gas Co.	New Jersey.
GS-OOT-1647(TP)	Salt River Project Agricultural Improvement & Power District.	Arizona.
GS-OOS-14990	Seattle, city of, Department of Lighting.	Seattle, Wash.
GS-OOT-1610(TP)	Southern Maryland Electric Cooperative, Inc.	Southern Maryland.
GS-OOS-14970	Texas Electric Service Co.	North central and west Texas.
GS-OOT-1743(TP)	Tucson Gas & Electric Co.	Tucson, Ariz., and vicinity.
GS-OOT-1648(TP)	Virginia Electric & Power Co.	Virginia, North Carolina, and West Virginia.
GAS SERVICE		
GS-OOT-1693(TP)	Alabama Gas Corp.	Central Alabama.
GS-OOS-14926	Arizona Public Service Co.	Arizona.
GS-OOT-1635(TP)	Boston Gas Co.	Boston, Mass.
GS-OOS-28623	Cascade Natural Gas Corp.	Washington and Oregon.
GS-OOT-1775(TP)	Connecticut Natural Gas Corp.	Hartford, Conn.
GS-OOT-1653(TP)	Consolidated Edison Co. of New York, Inc.	New York City and vicinity.
GS-OOT-1637(TP)	Dayton Power & Light Co., The.	Ohio.
GS-OOT-1690(TP)	Gas Service Co., The.	Missouri, Kansas, Oklahoma, and Nebraska.
GS-OOS-28649	Intermountain Gas Co.	Southern Idaho.
GS-OOS-14988	Michigan Consolidated Gas Co.	Michigan.
GS-OOT-1661(TP)	Minneapolis Gas Co.	Minneapolis, Minn., and vicinity.
GS-OOT-1729(TP)	North Shore Gas Co.	Northern Illinois.
GS-OOS-14977	Northern Indiana Public Service Co.	Northern Indiana.
GS-OOS-28624	Northwest Natural Gas Co.	Oregon and Washington.
GS-OOS-28647	Pacific Gas & Electric Co.	San Francisco area, northern California, and central California.
GS-OOT-1645(TP)	Peoples Gas Light & Coke Co., The.	Chicago, Ill.
GS-OOT-1626(TP)	Philadelphia Electric Co.	Philadelphia, Pa., and vicinity.
GS-OOT-1554(TP)	Public Service Co. of Colorado.	Central Colorado.
GS-OOT-1670(TP)	Public Service Electric & Gas Co.	New Jersey.
GS-OOS-14976	Southern California Gas Co.	Los Angeles, central California, and southern California.
GS-OOT-1743(TP)	Tucson Gas & Electric Co.	Tucson, Ariz., and vicinity.
GS-OOT-1733(TP)	Washington Gas Light Co.	District of Columbia, Maryland, and Virginia.
GS-OOT-1634(TP)	Washington Natural Gas Co.	Washington.
STEAM SERVICE		
GS-OOS-14989	Alabama Power Co.	Alabama.
GS-OOT-1637(TP)	Dayton Power & Light Co., The.	Ohio.
GS-OOT-1679(TP)	Metropolitan Edison Co.	Eastern Pennsylvania.
GS-OOS-28647	Pacific Gas & Electric Co.	San Francisco area, northern California, and central California.
GS-OOS-28630	Pennsylvania Power & Light Co.	Central eastern Pennsylvania.
GS-OOT-1626(TP)	Philadelphia Electric Co.	Philadelphia, Pa., and vicinity.
GS-OOT-1554(TP)	Public Service Co. of Colorado.	Denver, Colo.
WATER SERVICE		
GS-OOT-1761(TP)	Newport News, city of.	Newport News, Va.

[FR Doc. 76-21179 Filed 7-22-76; 8:45 am]

NATIONAL SCIENCE FOUNDATION CONFERENCE ON PROBLEMS OF RADIO- CARBON DATING IN ARCHAEOLOGY

Notice of Conference

A conference on Problems of Radio-carbon Dating in Archaeology will be held from 9 a.m. to 5 p.m. on Friday, August 6, 1976, in Room 628 at the National Science Foundation, 1800 G Street, NW., Washington, D.C.

The purpose of this conference is to review the current situation of radio-carbon dating in archaeology and to discuss and evaluate ways in which the National Science Foundation might intervene so as to improve both service and research in this most important area as it relates to the science of anthropology.

While this ad hoc informal session is not considered to be a meeting of an "advisory committee" as that term is defined in Section 3 of the Federal Advisory Committee Act (P.L. 92-463), this conference is believed to be of sufficient importance and interest to the general public to be announced in the FEDERAL REGISTER as a meeting open for public attendance and observation.

The agenda for this conference will be a discussion of problems of continuing the research and service functions of radiocarbon laboratories in the United States as these pertain to archaeology.

Members of the public are invited to attend this meeting. Public participation will include oral comments with permission of the Conference Coordinator. Persons wishing to attend this conference should contact Dr. Nancie L. Gonzalez, Program Director for Anthropology, Rm. 1117, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4208.

NANCIE L. GONZALEZ,

Program Director for Anthropology.

JULY 20, 1976.

[FR Doc.76-21421 Filed 7-22-76;8:45 am]

ADVISORY GROUP ON EARTHQUAKE PREDICTION AND HAZARD MITIGATION Meeting

Name: Advisory Group on Earthquake Prediction and Hazard Mitigation.

Date: August 12-13, 1976.

Time: 9:00 a.m. to 3:30 p.m.

Place: National Science Foundation, Room 540, 1800 G Street, N.W., Washington, D.C.

Type of meeting: Open.

Contact person: Mr. William Montgomery, Special Assistant, Directorate for Scientific, Technological and International Affairs, Rm. 1225, National Science Foundation, Washington, D.C., 20550, telephone (202) 632-4061. Anyone who plans to attend should contact Mr. Montgomery by August 5, 1976.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Rm. 212, National Science Foundation, Washington, D.C. 20550.

Purpose of Advisory Group: The Advisory Group on Earthquake Prediction and Hazard Mitigation was established to provide advice on a possible accelerated Federal program on earthquake research and development.

Tentative agenda:

Thursday, August 12: 9:00-10:00 am Welcome and introductory remarks by Chairman Newmark. Remarks by Dr. H. Guyford Stever, Science Adviser and Director NSF. Remarks by Dr. Vincent E. McKelvey, Director USGS. Administrative matters, Leonard Lederman, Executive Secretary.

10:00-12 noon General discussion of the draft plan.

12:00-1:00 pm Lunch, room 540.

1:00-5:00 pm Working sessions of subpanels: (1) Fundamental Earthquake Studies, Prediction, Modification, and Control (room 540); (2) Hazards Assessment and Engineering (room 511); (3) Applications and Utilization (room 517).

5:00 pm Adjourn.

Friday, August 13: 9:00-11:00 am Reports from the subpanels.

11:00-12:30 pm General review of program elements, priorities, and balance.

12:30-1:00 pm Lunch, room 540.

1:00-3:00 pm Further discussion of draft plan and instructions to staff for preparation of revised document.

TSUS¹
item No.

Description

(The bracketed language in this list has been included only to clarify the scope of the numbered items which are being considered for designation as eligible articles for the purposes of GSP, and such language is not itself intended to describe articles which are being considered for designation.)

Live animals other than birds:

Horses and mules:

[Imported for immediate slaughter]

Other:

Horses:

Valued not over \$150 per head.

Fish, dried, whether or not whole, but not otherwise prepared or preserved, and not in airtight containers:

111.10 Cod, cusk, haddock, hake, and pollock.

Fish, salted or pickled, whether or not whole, but not otherwise prepared or preserved, and not in airtight containers:

[Cod, cusk, haddock, hake, and pollock]

[Herring]

Mackerel:

[In bulk or in immediate containers weighing with their contents over 15 pounds each]

111.44 Other

[Salmon]

Other:

111.60 In immediate containers weighing with their contents not over 15 pounds each

Bulbs, roots, rootstocks, clumps, corms, tubers, and herbaceous perennials:

125.01 Tulip bulbs

125.10 Lily bulbs

125.15 Narcissus bulbs

125.20 Crocus corms

125.50 Grafted or budded fruit trees, cuttings and seedlings of grape, currant, gooseberry, or other fruit plants (except trees)

Milled grain products:

Not fit for human consumption:

[Barley]

[Buckwheat]

[Corn]

[Oats]

[Rice]

[Rye]

[Wheat]

¹ Tariff Schedules of the United States. The Tariff Schedules of the United States Annotated (1976) is for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402; it is also available for inspection without charge at any field office of the U.S. Customs Service or the Department of Commerce and at depository libraries.

3:00-3:30 pm Any additional comments, suggestions, or business.

3:30 pm Adjourn.

M. REBECCA WINKLER,
Acting Committee
Management Officer.

JULY 20, 1976.

[FR Doc.76-21422 Filed 7-22-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[TA-503(a)-2 and 332-78]

PRESIDENT'S LIST OF ARTICLES WHICH MAY BE DESIGNATED AS ELIGIBLE AR- TICLES FOR PURPOSES OF THE GEN- ERALIZED SYSTEM OF PREFERENCES

Investigations and Hearing

On July 7, 1976, the President, pursuant to section 503(a) and 131(a) of the Trade Act of 1974 (hereinafter referred to as "the Act"), furnished the United States International Trade Commission a list of articles which will be considered for designation as eligible articles for purposes of the Generalized System of Preferences (GSP) set forth in Title V of the Act. The list consists of the following articles:

TSUS ¹ Item No.	Description
181.80	Other Vegetables, fresh, chilled, or frozen (but not reduced in size nor otherwise prepared or preserved): Celery: If imported and entered during the period from April 15 to July 31, inclusive, in any year
135.60	Endive, including Witloof chicory
136.10	Horseradish
136.40	Lentils
136.50	Sesame oil: Rendered unfit for use as food
176.49	Articles not specially provided for, of textile materials: [Lace or net articles, whether or not ornamented, and other articles ornamented] Other articles, not ornamented: Of cotton: [Knit (except pile or tufted construction)] [Pile or tufted construction] Other or Typewriter ribbons only
386.50	Of man-made fibers: [Knit (except pile or tufted construction)] [Pile or tufted construction] Other or Typewriter ribbons and artificial flowers only
386.50 (pt.)	Articles not specially provided for: Of natural sponge
389.60	
or	
389.60 (pt.)	
792.70	

In accordance with section 503(a) and 131 of the Act, the President requested that the Commission provide him with its advice, with respect to each listed article, as to the probable economic effect on United States industries producing like or directly competitive articles and on consumers of the elimination of United States import duties under the GSP. With respect to items 386.50 and 389.60, advice was requested both as to the effect of designating the items as a whole as eligible articles and as to the effect of designating as eligible articles only typewriter ribbons in item 386.50, and only typewriter ribbons and artificial flowers in item 389.60.

In providing its advice, the President requested the Commission to assume that benefits of the GSP would not apply to imports that would be excluded from receiving such benefits by virtue of the "competitive-need" limits specified in section 504(c) of the Act.

Pursuant to the authority of section 332(g) of the Tariff Act of 1930, as amended (19 U.S.C. 1332(g)), the President requested that the Commission also provide advice with respect to whether products like or directly competitive with any products described in the listed tariff categories were being produced in the United States on January 3, 1975.

INVESTIGATIONS

In accordance with the President's request and the provisions of section 503(a) and 131(b) of the Act and section 332(g) of the Tariff Act of 1930, as amended, the Commission has instituted investigations TA-503(a)-2 and 332-78 for the purposes of obtaining, to the extent practicable, information of the kind described in section 131(d) of the Act for use in connection with the preparation of the advice requested by the President.

aration of the advice requested by the President.

HEARING

A public hearing in connection with the investigations will be held in the Commission's Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.t., on Tuesday, August 3, 1976. All interested persons will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be addressed to the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and should be received not later than noon on Friday, July 30, 1976.

WRITTEN SUBMISSIONS

In lieu of or in addition to appearances at the public hearing, interested persons may submit written statements. Any business information which a submitter desires the Commission to treat as confidential shall be submitted on separate sheets, each clearly marked at the top "Confidential Business Data." All written submissions, except for confidential business data, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements should be submitted at the earliest practicable date, but not later than August 13, 1976. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

By order of the Commission:

Issued: July 20, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc. 76-21384 Filed 7-22-76; 8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

EXECUTIVE BRANCH POSITION COMMISSION ON GOVERNMENT PROCUREMENT

Recommendation D-6, Procurement of Commercial Products

Notice is given that an executive branch position has been reached on the following Commission on Government Procurement (COGP) recommendation.

Recommendation D-6: "Provide statutory authority and assign to the Office of Federal Procurement Policy responsibility for policies to achieve greater economy in the procurement, storage, and distribution of commercial products used by Federal agencies. Until statutory authority is provided and until such responsibility is assigned to the Office of Federal Procurement Policy, the following actions should be taken:

(a) Establish reasonable standards to permit local using installations to buy directly from commercial sources if lower total economic costs to the Government can be achieved. However, decentralization of items for local purchase should not be permitted to affect adversely centralized procurement and distribution management required for purposes such as mobilization planning, military readiness, and product quality assurance.

(b) Develop and implement on an orderly basis industrial funding of activities engaged in interagency supply support of commercial products and services, to the fullest practical extent, so that (1) determination and recoupment of the true costs for providing such products and services will be facilitated, and (2) efficiency in the use of resources will be fostered.

(c) Evaluate continuously the efficiency, economy, and appropriateness of the procurement and distribution systems on a total economic cost basis at all levels, without prejudice to mobilization reserve and other national requirements."

The COGP recommendation D-6 has the objective of achieving greater economy in the procurement, storage, and distribution of commercial products used by Federal agencies. The statutory authority recommended by the Commission now rests with the Administrator for Federal Procurement Policy, Office of Management and Budget (OMB) in accordance with P.L. 93-400 (Office of Federal Procurement Policy Act). Therefore, the executive branch has accepted in principle recommendation D-6.

The Office of Federal Procurement Policy, OMB, on a broader scale than suggested by the COGP, is thoroughly examining the procurement and supply processes to effect appropriate revisions thereto, with the objective of implementing the policy set forth below. An Interagency Steering Group has been formed to develop recommendations and implementing procedures for achieving this objective.

"The Government will purchase commercial, off-the-shelf, products when such products will adequately serve the Government's requirements, provided such products have an established commercial market acceptability. The Government will utilize commercial distribution channels in supplying commercial products to its users."

A full text copy of the initiating document is included in this notice for those interested:

MAY 24, 1976.

Memorandum For: Secretary of Defense, Administrator of Veterans Affairs, Administrator of General Services

Subject: Procurement and Supply of Commercial Products

Over the years, the trend in development of Government procurement and supply processes has been toward more explicit preferences for the use of Government specifications to acquire commercial-type products even when commercial off-the-shelf, products have been available to fulfill agency requirements. I am convinced of the need for a fundamental change in this direction. The Government must now emphasize the acquisition of commercial, off-the-shelf, products in order to achieve optimal effectiveness in supply support operations.

Federal Government expenditures for commercial-type products will command a sizeable portion of over \$66 billion estimated for Federal procurement in FY 1977. In addition to these expenditures, there are extensive costs associated with requirement and specification development, purchasing and contracting, warehouse operations, transportation, distribution, administrative handling and inventory investment. Because of the magnitude and dollar volume of the Government's requirements for commercial products, it is essential that the task of providing supply support reflects an approach that conforms to basic policy objectives of the Government.

Most commercial products have a low unit cost, but they number in the millions, are repetitively purchased, and their procurement and supply involve every agency of the Government as well as broad interface between the public and private sectors of the economy. The Commission on Government Procurement recognized the need for new direction in this area, devoting a major portion of its study efforts to the Government's acquisition of commercial products. A number of significant recommendations were included in the Commission's final report. These reflected the application of the Commission's conclusion that there was a "need for a shift in fundamental philosophy relative to commercial product procurement..." The attached paper, which confirms the Commission's conclusion, discusses the background and current practices of the Government in its procurement and supply of commercial products, identifies the direction for a shift in philosophy, and points to the potential benefits available to the Government from playing a less structured role in the commercial marketplace.

The paper points to a need to distinguish between the acquisition of commercial, off-the-shelf products, and the acquisition of commercial-type products, which, being tailored to meet Government specifications, are not available through commercial distribution channels. The importance attached to this need stems from a recognition that the acquisition of commercial-type products normally carries with it the burdensome obligations of Government storage, handling

and distribution which duplicate available commercial warehousing and delivery systems. Not only are such duplications costly, but the competition with private industry is contrary to established policy that the Government should rely on the private enterprise system for the commercial/industrial type products and services it requires.

New direction is also needed in procurement to enable the Government to take full advantage of manufacturers' quality assurance, warranties and repair services, where these have established reliability in the commercial market, and to enable contracting officers to purchase commercial products competitively, with quantity discounts, relying upon commercial rather than Government specifications.

After thorough consideration of these matters, I have concluded that the procurement and supply processes of the executive branch must be thoroughly examined and appropriate revisions made with the objective of implementing the following policy:

The Government will purchase commercial, off-the-shelf products, when such products will adequately serve the Government's requirements, provided such products have an established commercial market acceptability. The Government will utilize commercial distribution channels in supplying commercial products to its users.

The application of this policy will require innovative management, calling for the development of administrative and, in some instances, legal mechanisms to ensure its timely and viable implementation. Essentially, however, all that stands between the policy, as a concept, and its realization is the necessary commitment on the part of professional logisticians to seek out and apply imaginative mechanisms which will permit the Federal Government to realize the benefits available from this shift in philosophy.

We fully recognize the size and complexity of this task, and that a uniform approach to implementation is essential to assure a high probability of success. Therefore, it is requested that you designate a representative to participate with an OFPP sponsored inter-agency steering group to develop implementation procedures which, ultimately, will be coordinated with all concerned agencies prior to finalization. Please furnish the name, title, organization and telephone number of your designee by June 7, 1976. I have appointed, as chairman of the interagency steering group, Mr. Daniel S. Wilson, Special Assistant to the Administrator (OFPP), telephone (202) 395-4946 or Code 103-4946. Attachment

NEW DIRECTION FOR THE PROCUREMENT AND SUPPLY OF COMMERCIAL PRODUCTS

Over the past two hundred years, the procurement and supply of goods and services to satisfy the day-to-day needs of the Federal Government have undergone many transitions. Each transition was motivated, undoubtedly, by the need to improve the effectiveness of existing supply capabilities and by the recognition that, to be effective, the procurement and supply system must continuously adapt to an ever-changing logistics environment. In retrospect, these transitions can be seen as a two hundred year, incremental process of progressive refinements and adjustments in the manner in which the Government procures and distributes the products it requires. Since each transition introduced new concepts and methods which called for the discarding of "proven" and familiar policies and practices, it is unlikely that any of these changes escaped criticism or the resistance of some who were convinced that the old ways were better.

Today, it is apparent that the nature of the logistics environment, again, has altered and that opportunities for significant advancement in supply management effectiveness are being offered. Specifically, the development of sophisticated data processing equipment and systems for requisitioning and inventory management, and the existence of an extensive and expanding network of commercial distribution systems are highly significant logistics factors. When considered in tandem they make possible the management of the Government's procurement and supply of commercially available products on a scale never before possible. These developments permit, for the first time in the modern era, the full and active utilization by the Federal Government of all aspects of the commercial marketplace. Equally important, they present the opportunity for scaling down the time and expense of developing Government specifications, for orderly reduction in the Government's burdensome investment in inventories, and for savings in Government warehouse operations. Auspiciously, these developments occur at a time when the Government has modified its management structure to permit the exploitation of such opportunities. The Office of Federal Procurement Policy was created in 1974 with the statutory authority and responsibility to bring about precisely such Government-wide improvements.

Over the years, the Federal Government has developed a huge and complex organization devoted to the acquisition and distribution of supplies and equipment needed to provide a broad range of services. Many of these supplies and equipments are of the same nature as those used in the private sector; some are identical and some are slight but unique variations of the commercial product. The Federal Government invests great sums for such products, plus additional sums for their storage and distribution prior to use. Yet much of the effort and expense dedicated to this program is, at best, of questionable benefit in terms of results obtained and, at worst, a wasteful duplication of existing commercial distribution systems.

Government specifications are costly to develop and maintain. In many instances, such costs are justified in that specifications help to assure that the Government receives products which meet its requirements. In other instances, however, the Government's specifications merely add embellishments to commercial products for the purpose of establishing a competitive base. In such cases the Government is unable to acquire these unique items through commercial distribution channels and must establish and maintain its own costly supply network. Government specifications in these instances add to the complexity and, thus, the cost of the procurement process by requiring separate production runs for Government unique requirements. Too often, moreover, they discourage the submission of bids by established commercial suppliers, and foster the creation of suppliers whose products have not been tested in the marketplace and whose only customer is the Government.

Cost, however, is not the only consideration or, indeed, the primary one. Fundamental to the Nation's economic and political philosophy and basic to the relationship between Government and private industry is the commitment by the Federal Government to rely for its needs upon the private sector. The value of the inventive and innovative spirit of the private enterprise system cannot be measured in a simple dollar for dollar cost comparison.

The report of the Commission on Government Procurement emphasized the need for a change in the fundamental philosophy rel-

active to the procurement of commercial items. Momentum is already gathering toward a change in the way we procure commercial items. For example, the Defense Science Board recently completed a study which showed that the acquisition of off-the-shelf electronic test equipment would produce savings of \$80 million annually. Further opportunities for savings are obvious since commercial products acquisition represents a sizeable portion of over \$66 billion estimated for Federal procurement during FY 77.

To provide new direction for the Government's management of its procurement and supply of commercial products and to exploit the opportunities presented by the current logistics environment, there is need to establish policy objectives that will enable the Government to purchase commercial, off-the-shelf, products when such products will adequately serve the Government's requirement. It is also important that such products have an established commercial market acceptability. In addition, the Government should, in supplying commercial products to its users, utilize commercial distribution channels wherever possible.

These approaches will require major changes in current practices. Administrative, and, perhaps in some instances legal, mechanisms must be developed to ensure viability in implementation. Commercial warranty provisions must be more definitive; equitable formulas must be developed for determining the selection of qualified products; mechanisms must be refined for identifying and recouping volume discounts; and means must be found to interface Government requisitioning procedures with commercial delivery systems. These and related tasks will require the commitment of skilled procurement and supply management executives from the principal agencies, supported by the Government's best professional logisticians."

HUGH E. WITT,
Administrator for
Federal Procurement Policy.

JULY 14, 1976.

[FR Doc.76-21364 Filed 7-22-76; 8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on July 1, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

COMMUNITY SERVICES ADMINISTRATION

Energy Data Form: CSA-488, Quarterly, CSA Energy Grantees, Community and Veterans Affairs Division, Lowry, R. L. 395-3532.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Producers' Questionnaire: Certain Zoris, single-time, Producers, Laverne V. Collins, 395-5867.

OFFICE OF MANAGEMENT AND BUDGET

Questionnaires: Survey and evaluation of OMB circular No. A-95, single-time, state and areawide clearinghouse, Lowry, R. L. 395-3772.

DEPARTMENT OF COMMERCE

Bureau of Census:

Special Enumeration of Navajo Reservation Enumeration Book, AIN-1, single-time, all households in the three test sites, Maria Gonzalez, 395-6132.

Survey of Registration and Voting Questionnaire, single-time, individuals in 93 jurisdictions—selected areas, Maria Gonzalez, 395-6132.

Advance Letter to "Special Places"—1976 Census of Camden, New Jersey (1980 census pretest), DF-25, single-time, Managers of "Special Places" in Camden, N.J., Maria Gonzalez, 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary: Questionnaire for Recontact of SSI Beneficiaries, OS-14-76, single-time, SSI beneficiaries, C. Louis Kincannon, 395-3211.

Office of Education: Performance and financial Report for the Indochina-Refugee Assistance Elementary and Secondary Program, OE-443-1, single-time, LEA'S, Warren Topelius, 395-3772.

EXTENSIONS

ACTION

Program for Local Service Evaluation Questionnaire (volunteer stations), single-time, local service agencies (volunteer stations), Lowry, R. L., 395-3772.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-21581 Filed 7-22-76; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. SR-NYSE-76-31]

NEW YORK STOCK EXCHANGE, INC. Order Approving Proposed Rule Changes

On May 14, 1976, the New York Stock Exchange, Inc. (11 Wall Street, New York, New York 10005) (the "NYSE") filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b), as amended by Pub. L. No. 94-29 (June 4, 1975), and Rule 19b-4 thereunder, 17 CFR 240.19b-4, a proposal to adopt Rule 308, to amend Articles IX, XI, and XIII of the NYSE's Constitution, and to amend NYSE Rules 301 and 345(a). Notice of the proposed rule change, together with the terms of substance, was given by publication of a Commission release (Release No. 34-12478 (May 24, 1976)) in the FEDERAL REGISTER (41 FR 22169 (June 1, 1976)). Interested persons

were invited to submit written data, views and arguments concerning the proposal by July 1, 1976. The Commission has not received any comments concerning the proposed rule changes.

Rule 308 provides a procedure¹ for disapproving (1) applications of prospective members or member organizations for NYSE membership; (2) applications for employment or association with a member or member organization, of any prospective member, allied member, approved person, registered representative, or other persons required by the NYSE Constitution or rules to be approved by the Exchange; (3) any change in the status of any person, which change requires approval of the Exchange; and, (4) the application of any prospective non-member broker-dealer accesssee.²

The amendments to NYSE Rules 301 and 345³ and to Article IX, sections 3, 7 and 15, Article XI, Section 1, and Article XIII, sections 5 and 6, of the NYSE Constitution are of a technical nature to conform to proposed Rule 308.

The Commission finds that the NYSE proposal is not inconsistent with the requirements of the Act and rules and regulations thereunder applicable to national securities exchanges.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, 15 U.S.C. 78s(b)(2), that proposed Rule 308 and the proposed amendments to the NYSE Constitution Article IX, sections 3, 7 and 15, Article XI, Section 1, and Article

¹ Section 6(d)(2) of the Act, 15 U.S.C. 78f(d)(2), requires that any proceeding conducted pursuant to section 6(b)(7), 15 U.S.C. 78f(d)(7), include certain due process safeguards. Among those safeguards are the opportunity for the applicant to be heard and a written statement of the specific grounds for disapproval if the application should be disapproved. Although proposed Rule 308 does not specifically set forth those standards, any proceeding is necessarily required to be in conformance with them.

² NYSE Rules do not currently provide for "non-member broker-dealer accesssees" and, accordingly, the scope of this phrase is not precisely defined. In any event, the word "application" as used in Rule 308 does not necessarily contemplate a formal written application procedure; informal requests would be covered in order to provide the procedural protections of the Act in appropriate circumstances. While Rule 308 governs only prospective "non-member broker-dealer accesssees," section 6(b)(7) of the Act requires fair procedures for any person with respect to denial of or limitation on access to NYSE services or services offered by a member thereof. The NYSE, apparently, does not contemplate that any denial or limitation would be imposed on persons other than prospective "non-member broker-dealer accesssees," as that term may be defined, with respect to access to NYSE services or on any persons with respect to access to services offered by NYSE members.

³ The Commission is approving only the amendments to Rules 301 and 345. Rule 301 currently is the subject of the Commission's general inquiry, pursuant to section 31(b) of the Securities Acts Amendments of 1975, with respect to rules of national securities exchanges relating to membership and association with members.

XIII, sections 5 and 6, and NYSE Rules 301 and 345 be, and hereby are, approved.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 14, 1976.

[FR Doc. 76-21316 Filed 7-22-76; 8:45 am]

[Rel. No. 9353 (812-3944)]

AMERICAN LIQUID TRUST

Application for an Order of Exemption

JULY 13, 1976.

Notice is hereby given, That American Liquid Trust ("Applicant"), 164 Mason Street, Greenwich, Connecticut 06830, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management company, filed an application on April 21, 1976 and an amendment thereto on June 17, 1976 pursuant to Section 6(c) of the Act for an order of exemption from Section 19(b) of the Act and Rule 19b-1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant is an unincorporated business trust organized under the laws of the Commonwealth of Massachusetts to invest primarily in money market securities and similar short-term debt obligations. Applicant's investment objectives are to obtain the highest possible current income consistent with the preservation of capital and liquidity.

Applicant follows the practice of declaring all net income as dividends on a daily basis. For dividend purposes, net income is defined to consist of (1) all accrued interest income on portfolio assets, (2) plus or minus all realized or unrealized gains or losses on portfolio assets, and (3) less Applicant's estimated expenses (including accrued expenses and fees payable to the Applicant's adviser) applicable to the dividend period. Dividends are credited to a shareholder's account daily and distributed monthly in the form of additional full and fractional shares of the Applicant at net asset value, or at the election of the shareholder, in cash. The practice of declaring net income in the form of dividends enables Applicant to maintain a constant net asset value per share of \$1.00.

Section 19(b) and Rule 19b-1, as here pertinent, prohibit distributions of long-term capital gains dividends more frequently than once a year. Applicant states that Rule 19b-1 was intended to (1) minimize any confusion on the part of investors which might arise from their failure to differentiate regular distributions of capital gains from distributions of investment income, (2) relieve mutual fund managers from pressures to realize capital gains on a frequent basis, (3) mitigate improper sales practices related to the distribution of such gains, and (4) eliminate the administrative expenses of quarterly or semi-annual capital gains

distribution. Applicant asserts that none of these objections are relevant to its operations.

Applicant states that a monthly statement sent to shareholders differentiates between interest income and any long-term capital gains and, therefore, Applicant asserts it is unlikely that there will be any confusion concerning investment income and capital gains. Applicant represents that its investment policy is not designed to maximize long-term capital gains, that in no case will it acquire portfolio securities with a view toward the realization of long-term capital gains, and in no event will it purchase any security which has a maturity date more than one year from the date of the Applicant's purchase. For these reasons, and because of the disclosure differentiating the two kinds of investment return, Applicant contends there is no pressure on Applicant's managers to realize capital gains or to engage in improper sales practices related to the distribution of these gains. Applicant also asserts that under Applicant's present procedures for daily dividend declarations there is no additional administrative expense incurred with respect to capital gain distributions.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction from any provision of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given, That any interested person may, not later than August 9, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission orders a hearing on request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc. 76-21426 Filed 7-22-76; 8:45 am]

[Release No. 19615 (70-5852)]

DELMARVA POWER & LIGHT CO. AND DELMARVA POWER & LIGHT COMPANY OF MARYLAND

Notice of Acquisition of Stock, Utility Assets and Business of Privately-Owned Electric Utility Company

JULY 16, 1976.

Notice is hereby given, That Delmarva Power & Light Company ("Delmarva"), 800 King Street, Wilmington, Delaware 19899, a registered holding company, and its wholly-owned public utility subsidiary, Delmarva Power & Light Company of Maryland ("Delmarva-Maryland") Salisbury Maryland 21801, have filed an application-declaration and amendments thereto with this Commission pursuant to sections 6, 7, 9(a)(1), 10 and 12 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions.

Applicants-declarants propose to acquire the stock, utility assets and business of The Chestertown Electric Light and Power Company of Kent County, a Maryland corporation ("Chestertown"). Chestertown is a non-affiliated company and distributes electricity in a small area of Maryland. Chestertown's system is connected with Delmarva - Maryland from whom it purchases at wholesale all of its requirements under a tariff approved by the Federal Power Commission. Chestertown property consists of overland lines, line transformers, meters, transportation equipment, land and buildings. Chestertown serves approximately 4,500 customers in a service area which is adjacent to the Delmarva system distribution territory.

In order to carry out the proposed acquisition, Delmarva will issue its common stock to Delmarva-Maryland and Delmarva-Maryland will simultaneously exchange the Delmarva common stock for Chestertown common and preferred stock. Twenty-two and one-half shares of Delmarva's common capital stock will be exchanged for each share of Chestertown's common capital stock. Chestertown presently has issued and outstanding 8,125 shares of common. Eight and one-half shares of Delmarva's common capital stock will be exchanged for each share of Chestertown's preferred capital stock. Chestertown presently has issued and outstanding 500 shares of preferred capital stock. If the ratio of exchange results in a fractional share, the fraction will be rounded to the next full share of Delmarva stock.

The exchange ratio for Chestertown common will be adjusted by Delmarva to reflect, dollar for dollar, any change in excess of \$25,000 in Chestertown's common shareholders' equity between December 31, 1975, and a day at least 60 days before settlement. Common shareholders' equity as to both dates shall be established by certified audits which shall include liability certificates and litigation certificates. For the purpose of making such adjustment, it is agreed and stipulated that each share of Delmarva's common capital stock has an exact value of \$12 per share.

To reimburse Delmarva for the purchase price of the respective Chestertown properties, Delmarva-Maryland will issue and deliver 10,000 shares of its common capital stock valued at its par value of \$100 per share. It will also issue a 30-year promissory note bearing 9½% interest. The remaining balance due Delmarva will be paid in cash.

Applicants-declarants state the proposed acquisition will simplify and integrate the electric business in this part of the Delmarva system for more efficient and economic operation. It is stated that as a result of the acquisition, Delmarva will provide the managerial and operational expertise and the additional capital required to meet the standards of service and growth deemed appropriate by the regulatory commissions having jurisdiction in the respective territories. It is further stated that there will be no adverse impact on the customers of the Delmarva system, that Chestertown customers will pay at the same rate now paid until such time as rate revision is authorized by the appropriate regulatory commission. Currently, there is little difference between the rates charged by the two companies.

At closing, the stockholders of Chestertown will convey to Delmarva-Maryland all of the issued and outstanding common and preferred stock of Chestertown. Delmarva-Maryland will receive the common and preferred stock of Chestertown. Delmarva-Maryland will liquidate with cash all of the Chestertown notes to banks, officers and others with accrued interest aggregating approximately \$487,000 as of December 31, 1975, and debit gross utility plant excess acquisition cost for like amount. The remaining assets in the amount of \$2,021,000 and liabilities in the amount of \$440,000 of Chestertown will be merged into Delmarva-Maryland and the Chestertown corporation will be dissolved. At December 31, 1975, Delmarva would issue 187,000 shares of its stock valued at \$2,245,000 to the Chestertown stockholders. The total excess acquisition cost will be approximately \$1,151,000. The stock will be issued privately without registration under the Securities Act of 1933, subject to the limits as to transferability set forth in the Offer to Exchange Shares.

Applicants-declarants state that Delmarva submitted the most favorable offer for the Chestertown properties in response to a request for a proposal. Thereafter, an Offer to Exchange Shares was made by Delmarva on March 8, 1976, subject to the receipt of all necessary regulatory approvals, and was subsequently accepted by all stockholders of Chestertown. Delmarva has assigned to Delmarva-Maryland its rights and obligations under said offer.

The consideration offered by Delmarva is stated to have been determined through appraisal of the property, business and service area to be acquired in consultation with Middle West Service Company, independent consultants and appraisers to the utility industry.

The Public Service Commission of Maryland and the Public Service Commission of Delmarva must approve the proposal transaction. No other State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with this transaction are estimated at \$23,000, including legal fees of \$11,000, and appraisal and accountant fees of \$7,207.

Notice is further given. That any interested person may, not later than August 16, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-21427 Filed 7-22-76;8:45 am]

[Release No. 12635 (SR-MSE-76-7)]

MIDWEST STOCK EXCHANGE

Order Approving Proposed Rule Change

JULY 16, 1976.

On April 28, 1976, the Midwest Stock Exchange, 120 South La Salle Street, Chicago, Illinois 60603, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The proposed rule change would modify Article I, Rule 14 of the Exchange's rules to accommodate proposed amendments to paragraph (b) (2) of Rule 15c3-1.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release

(Securities Exchange Act Release No. 12460 (May 14, 1976)) and by publication in the FEDERAL REGISTER (41 Fed. Reg. 21719 (May 29, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b) (2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-21428 Filed 7-22-76;8:45 am]

[Release No. 9354 (811-2504)]

MONEY RATES INCOME FUND, INC.

Proposal To Terminate Registration

JULY 13, 1976.

Notice is hereby given, That the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") to declare by order on its own motion that Money Rates Income Fund, Inc. ("Fund") 108 Connecticut Avenue, Norwalk, Connecticut 06854, registered under the Act as an open-end, non-diversified management investment company, has ceased to be an investment company as defined in the Act.

The Commission files contain the following information concerning the Fund. The Fund was incorporated under the laws of the State of Maryland on June 19, 1974 and registered under the Act on July 19, 1974. Pursuant to authorization on February 4, 1976 of the Fund's then sole shareholder and the board of directors, the dissolution of the Fund has been effected, and the Fund no longer has assets or shareholders.

Section 8(f) of the Act provides, in pertinent part, that when the Commission on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given, That any interested person may, not later than August 12, 1976, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address

stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission, by the Division of Investment Management, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-21429 Filed 7-22-76;8:45 am]

[Release No. 12636 (SR-MSE-76-6)]

MIDWEST STOCK EXCHANGE

Order Approving Proposed Rule Change

JULY 16, 1976.

On April 28, 1976, the Midwest Stock Exchange, 120 South La Salle Street, Chicago, Illinois 60603, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The proposed rule would incorporate Rule 15c3-1, the uniform net capital rule, by reference, establish new net capital requirements for specialists and establish early warning guidelines to be used by the Midwest Stock Exchange.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12458 (May 19, 1976)) and by publication in the FEDERAL REGISTER (41 Fed. Reg. 21716 (May 19, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-21430 Filed 7-22-76;8:45 am]

[Release No. 12634 (SR-PSE-76-5)]

PACIFIC STOCK EXCHANGE INC.

Filing of Amendment to Proposed Rule Change and Order Approving Proposed Rule Change

JULY 16, 1976.

On March 31, 1976, the Pacific Stock Exchange Inc. (the "Exchange"), 618 South Spring Street, Los Angeles, California 90014, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, (June 4, 1975), and Rule 19b-4 thereunder, copies of a proposed rule change.

The proposed rule change amends Exchange Rule VII to adopt the Financial and Operational Combined Uniform Single ("FOCUS") Report.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12335, (April 12, 1976)) and by publication in the FEDERAL REGISTER (41 Fed. Reg. 16533 (April 19, 1976)) and interested persons were invited to submit written comments.

On May 12, 1976 the Commission deferred action on the proposed rule change for 90 days from the date of publication (Securities Exchange Act Release No. 12439) in order to consider the interaction of the proposed rule change and the program for the allocation of regulatory responsibilities announced by the Commission on April 20, 1976 (Securities Exchange Act Release No. 12352).

On June 21, 1976 the Exchange amended Section 3 of the proposed rule change to delete the requirement that a member of the Exchange for which another self-regulatory organization is the designated examining authority must periodically file copies of Part II or Part IIA of Form X-17A-5 with the Exchange, and to delete the provision which would allow the Exchange to determine, on an individual basis, whether or not stated exemptions from the Exchange's reporting provisions are applicable.

The Commission finds that the proposed rule change as amended is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Sections 6 and 17 and the rules and regulations thereunder.

Further, the Commission finds good cause for approving the proposed rule change as amended prior to the thirtieth day after the date of publication of notice of the filing of an amendment thereof. The full text of the proposed rule change, with the exception of the amendment to Section 3, was published in the FEDERAL REGISTER on April 19, 1976

(41 Fed. Reg. 16533) allowing ample time for public comment. To date, only one comment letter has been submitted with respect to the proposed rule change, and this letter recommends precisely the amendment which the Exchange has effected. Accelerated approval of the proposed rule change, as amended, would expedite the adoption of a uniform method of financial and operational reporting for Exchange members.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change, as amended and referenced above, be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-21431 Filed 7-22-76;8:45 am]

[Rel. No. 9351 (812-3974)]

WEEDEN CORPORATE BOND TRUST, SERIES I (AND SUBSEQUENT SERIES) AND WEEDEN & CO.

Filing of Application Pursuant for an Order of Exemption

JULY 12, 1976.

Notice is hereby given that Weeden Corporate Bond Trust, Series I ("First Trust") 25 Broad Street, New York, New York 10004, a unit investment trust registered under the Investment Company Act of 1940 ("Act") and its sponsor, Weeden & Co. ("Sponsor") (hereinafter the Sponsor and the First Trust are referred to collectively as "Applicants"), have filed, on June 25, 1976, an application pursuant to Section 6(c) of the Act for an order of the Commission exempting the First Trust and subsequent Series, as defined below (hereinafter referred to collectively as "Trusts" and severally as "Trust"), from the provisions of Section 14(a) of the Act and exempting the frequency of capital gains distributions of the Trusts and the secondary market operations of Sponsor from the provisions of Rule 19b-1 and Rule 22c-1, respectively, under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The First Trust is a unit investment trust and is the first of a series of similar but separate trusts which the Sponsor intends to form (herein all such subsequent series are collectively referred to as the "Series"). The Trusts will be created under the laws of the Commonwealth of Massachusetts pursuant to separate trust agreements, such agreements containing certain standard terms and conditions of trust common to all the Trusts.

The Sponsor has filed a Form S-6 Registration Statement under the Secu-

urities Act of 1933 ("1933 Act") covering a maximum of 20,000 Units of fractional undivided interests in the First Trust to be offered to investors at a public offering price set forth in the prospectus included in the S-6 Registration Statement (including 5,000 Units registered for secondary market purposes). The 1933 Act Registration Statement has not yet become effective. The Sponsor has also filed a Form N-8A Notification of Registration and a Form N-8B-2 Registration Statement under the Act relating to the First Trust.

Each Trust will be governed by a trust agreement for that Trust (hereinafter called the "Agreement"), which will be executed prior to the time the registration statement for such Trust becomes effective, and under which the Sponsor will act as such, The United States Trust Company, as Trustee, Shawmut Bank of Boston, as Co-trustee, and Interactive Data Services, Inc. will act as Evaluator. The Agreement for each Trust will contain standard terms and conditions of trust common to all Trusts. Pursuant to the Agreement, the Sponsor will deposit with the Trustee bonds which the Sponsor shall have accumulated for such purpose in an amount at least equal to the aggregate principal amount of the Units to be offered. Simultaneously with such deposit, the Trustee will deliver to the Sponsor registered certificates for the Units which will represent the entire ownership of the respective Trust. These Units will in turn be offered for sale to the public by the Sponsor.

Applicants state that such bonds will not be pledged or be in any other way subjected to any debt at any time after the bonds are deposited in the Trusts except for the lien of the Trustee as security for certain liabilities as set forth in the Agreement. Such bonds will be primarily corporate debt obligations.

The assets of each Trust will consist of the bonds initially deposited, such other bonds as may be acquired or purchased from time to time in exchange or substitution for any of the bonds, accrued and undistributed interest, and undistributed cash. Certain of these bonds may from time to time be sold under the special circumstances set forth in the Agreement with respect to such Trust or may be redeemed or may mature in accordance with their terms.

Each Unit of each Trust will represent a fractional undivided interest in that Trust, and will be redeemable. The numerator of the fractional interest represented will be 1, the denominator, the number of Units outstanding in the particular Trust. If any Units shall be redeemed, the denominator of such fraction will be reduced and the fractional undivided interest represented by each Unit outstanding will be increased. Units will remain outstanding until redeemed or until the termination of the Agreement with respect to such Trust. The Agreement may be terminated with respect to any of the Trusts upon approval by 66% in interest of the certificateholders of such Trust or, in the event that the value of the bonds in such

Trust shall fall below \$6,000,000, or such other liquidation amount as may be specified in the Agreement with respect to a particular Trust, upon direction of the Sponsor to the Trustee. There is no provision in the Agreement for the issuance of any Units after the initial offering of Units (except to the extent that the secondary trading by the Sponsor in the Units is deemed the issuance of units under the Act), and such activity will not take place.

While the Sponsor undertakes no obligation to do so, it is its intention to maintain a market for Units of each of the Trusts and continuously to offer to purchase such Units at prices in excess of the redemption prices as set forth in the Agreement. In the absence of such a market, certificate-holders may only be able to dispose of their Units by redemption.

Section 14(a)

Section 14(a) of the Act requires that a registered investment company, prior to making a public offering of its securities: (a) have a net worth of \$100,000, (b) have previously made a public offering and at that time have had a net worth of \$100,000, or (c) have made arrangements for at least \$100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Applicants seek an exemption from the provisions of Section 14(a) in order that a public offering of Units of the Trusts as described above may be made. In connection with the requested exemption from Section 14(a), the Sponsor agrees: (i) to refund on demand and without deduction the sales load to purchasers of Units of any Trust if, within 90 days after the registration of such Trust under the Securities Act of 1933 becomes effective, the net worth of such Trust shall be reduced to less than \$100,000, or if such Trust is terminated; (ii) to instruct the Trustee on the date the bonds are deposited in each Trust that if such Trust shall at any time have a net worth of less than \$6,000,000, or such other liquidation amount as may be specified in the Agreement with respect to a particular Trust, as a result of redemption by the Sponsor of Units constituting a part of the unsold Units, the Trustee shall terminate such Trust in the manner provided in the Agreement and distribute any bonds or other assets deposited with the Trustee pursuant to the Agreement as provided therein; and (iii) in the event of termination for the reasons described in (ii) above, to refund any sales load to any purchasers of Units purchased from the Sponsor on demand and without any deduction.

Rule 19b-1

Rule 19b-1(a) provides in substance that no registered investment company which is a "regulated investment company" as defined in Section 851 of the Internal Revenue Code shall distribute more than one capital gain dividend in any one taxable year. Paragraph (b) of said Rule contains a similar prohibition for a company not a "regulated invest-

ment company" but permits a unit investment trust to distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt.

Distributions of principal and interest to certificateholders of each Trust shall be made monthly. Distributions of principal constituting capital gains to certificateholders may arise in two instances: (1) if an issuing authority calls or redeems an issue held in the portfolio, the sums received by the Trusts will be distributed to a certificateholder on the next distribution date; and (2) if Units are redeemed by the Trustee and bonds from the portfolio are sold to provide the funds necessary for such redemption, each certificateholder will receive his pro rata portion of the proceeds from the bonds sold over the amount required to satisfy such redemption distribution. In such instances, a certificateholder may receive in his distribution funds which constitute capital gains, since in some cases the value of the portfolio bonds redeemed or sold may have increased since the date of initial deposit. It is anticipated that no capital gains will arise from the sale of bonds which may occur upon default on payment of principal or interest, or the occurrence of other factors which in the opinion of the Sponsor would make the retention of such bonds in the Trust detrimental to the interests of the certificateholders.

As noted, paragraph (b) of Rule 19b-1 provides that a unit investment trust may distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt. Applicants assert that the purpose behind such provision is to avoid forcing unit investment trusts to accumulate valid distributions received throughout the year and distribute them only at year end, and that the operations of the Trusts in this regard are squarely within the purpose of such provision. However, in order to comply with the literal requirements of the Rule, the Trusts would be forced to hold any monies which would constitute capital gains upon distribution until the end of their taxable years. The application contends that such a practice would clearly be to the detriment of the certificateholders.

In support of the requested exemption, the application states that the dangers against which Rule 19b-1 is intended to guard do not exist in the situation at hand since neither the Sponsor nor any of the Trusts has control over events which might trigger capital gains, i.e., the tendering of units for redemption and the prepayment of portfolio bonds by the issuing authorities. In addition, it is alleged that the amounts involved in a normal distribution of principal are relatively small in comparison to the normal interest distribution, and such distributions are clearly indicated in accompanying reports to certificateholders as a return of principal.

Rule 22c-1

Applicants state that following the initial offering period, the Sponsor, while not obligated to do so, intends to offer to

purchase the Units in the secondary market at prices based on the offering side evaluation of the bonds in the Trust, determined on the last business day of each week, effective for all sales made during the following week.

Applicants also state that the Sponsor has undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide estimated evaluations on trading days. In the case of a repurchase, if the Evaluator cannot state that the previous Friday's price is at least equal to the current bid price, the Sponsor will order a full evaluation. The Sponsor agrees that, in case of the resale of Units in the secondary market, if the Evaluator cannot state that the previous Friday's price is not more than one-half point (\$5.00 on a unit representing \$1,000.00 principal amount of underlying bonds) greater than the current offering price, a full evaluation will be ordered. Under these circumstances, the Applicants contend that the exemption of the Sponsor from the provisions of Rule 22c-1 will in no way affect the operations of the Trust and will benefit the certificate-holders by providing a repurchase price for their Units which is in excess of the current net asset value of such Units as computed for redemption purposes.

Rule 22c-1 provides, in pertinent part, that no registered investment company issuing any redeemable security, and no dealer in any such security, shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicants state that Rule 22c-1 has two purposes: (1) to eliminate or to reduce any dilution of the value of outstanding redeemable securities of registered investment companies which might occur through the sale, redemption or repurchase of such securities at prices other than their current net asset values; and (2) to minimize speculative trading practices in the securities of registered investment companies.

The secondary market activities of the Sponsor and the manner for the acquisition by investors of new units, may be deemed to violate Rule 22c-1 because of the absence of daily pricing. Applicants contend, however, that the purposes of Rule 22c-1 will not be offended by the Sponsor's secondary market activities. Applicants assert that the pricing of units by the Sponsor in the secondary market will in no way dilute the assets of the Trust, and that certificate-holders will benefit from the Sponsor's pricing procedure in the secondary market since they will normally receive a higher repurchase price for their Units than they could be redeeming their Units at the current net asset value, and that this will be accomplished without the cost burden to the Trust of daily evaluations of the unit redemption value.

Applicants also contend that speculation in Units of any Trusts is unlikely because price changes are limited in re-

spect to the kind of bonds which will be held by such Trusts.

To avoid the Sponsor receiving more than the specified sales charge on the resale of Units, the Sponsor has undertaken not to resell any Units which it may repurchase at a price below the offering side evaluation of the bonds in the Trust.

Applicants therefore request an exemption from the provisions of Rule 22c-1 for Series 1 and for all subsequently created Series insofar as the Rule may apply after completion of the primary distribution of Units of such Trusts.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 5, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission orders a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit, or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc. 76-21432 Filed 7-22-76; 8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT Applications

The organizations listed in the attachment have applied to the Secretary of

Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924 (b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW, Washington, D.C. 20213.

Signed at Washington, D.C. this 19th day of July, 1976.

BEN BURDETSKY,
Deputy Assistant Secretary
for Employment and Training.

Applications received during the week ending July 16, 1976

Name of applicant	Location of enterprise	Principal product or activity
Rural Health Associates	Farmington, Maine	Health services.
Maxim Manufacturing Corp.	Sebastopol, Miss.	Manufacture plow, mowers, lawn power, trucks, and hand warehouse.
KDG Manufacturing Co.	Esland, N.C.	Manufacturing of custom draperies and bedspreads.
London Mills, Inc.	Rocky Mount, N.C.	Weaving, dyeing, and finishing of velour-velvet for upholstering furniture.
King Brothers Farm Center, Inc.	Ayden, N.C.	Grain merchandising and feed manufacturing service for area farmers.
Oak Park Manufacturing, Inc. (tenant of Bacon Industrial Building Authority).	Oak Park, Ga.	Manufacture of men's and boys' clothing.
Watco, Inc.	Shelbyville, Tenn.	Manufacture of fiberglass and illuminated signs.
Don Shurden Rives	Louisville, Miss.	Logging and sawmilling.
Parker Trading Co.	Brevard, N.C.	Recreational facility.
G. Gamble Oil Co.	Turbeville, S.C.	Petroleum and related items.
William J. Williams	Green County, Miss.	Sale of groceries and sale of building supplies and hardware.
Rish Equipment Co. (tenant of village of Cadiz).	Cadiz, Ohio	Sale and repair of construction equipment and sale of parts and subassemblies for construction equipment.
Cleveland Contractors Equipment Co. (tenant of village of Cadiz).	do	Sale of construction equipment, repair of construction equipment, and sale of parts and service.
Superior Health Haven	Munising, Minn.	Nursing care.
Old Capitol Inn, Inc.	Corydon, Ind.	Motel.
Rex Walsh	Flora, Ill.	Purchase of grain, sale of seeds, chemicals, and fertilizers.
Stewart-Glapat Corp.	Zanesville, Ohio	Sell, design, and manufacture material handling special and government equipment.
Barnett Feed Yards, Inc.	Hagerman, N. Mex.	Manufacture of alfalfa pellets, sale of cattle feed.
Diaper Jeans, Inc.	Denison, Tex.	Complete apparel manufacturing operation of children's wear.
Johnny C. Spitzer	Sagerton, Tex.	Cotton gin.
John J. Smoker	Raton, N. Mex.	Construction of a professional office building.
Charles R. McAdams	Sandia Park, N. Mex.	Grocery and general merchandise store.
Berwind (tenant of the city of Neodesha)	Neodesha, Kans.	Cleaning of railway tank cars.
Neodesha Plastics, Inc. (tenant of city of Neodesha)	do	Manufacturing plastic widgets.
Fiberglass of Engineering, Inc. (tenant of the city of Neodesha)	do	Manufacture of boats.
Prestige Products, Inc. (tenant of the city of Neodesha)	do	Manufacture of cabinets and fiberglass products.
United Products, Inc. (tenant of city of Neodesha)	do	Manufacture of luggage.
Stockton Nursing Home, Inc.	Stockton, Mo.	Nursing home.
Star Valley Cheese Corp.	Thayne, Wyo.	Manufacture of cheese.
Gene Palmrose Motors	Wray, Colo.	New and used car and truck sales.
Vector Manufacturing Corp.	Steamboat Springs, Colo.	Manufacture of miniature valves and fittings and miniature pressure-switched and diaphragm components.

[FR Doc. 76-21263 Filed 7-22-76; 8:45 am]

Occupational Safety and Health Administration

[V-76-9]

JOSLYN MANUFACTURING AND SUPPLY CO.

Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of Application.* Notice is hereby given that Joslyn Manufacturing and Supply Company, 2 North Riverside Plaza, Chicago, Illinois 60606 has made application pursuant to section 6(d) of the Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.22 (c) Covers and Guardrails and 1910.23 (c) (3) Protection of Open-sided Floors, Platforms and Runways.

The address of the place of employment that will be affected by the application is as follows:

Empire Galvanizing Plant, Joslyn Manufacturing and Supply Company, 10909 Franklin Park, Franklin Park, Illinois 60131.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized

employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.22(c) and 29 CFR 1910.23(c) (3). Section 1910.22(c) requires that "Covers and or guardrails shall be provided to protect personnel from the hazards of open pits, tanks, vats, ditches, etc." Section 1910.23 (c) (3) requires that galvanizing tanks and similar hazards be guarded with a standard railing and toe board.

The applicant states that it operates two galvanizing kettles at the Empire Galvanizing Plant. Kettle one has a protective wall which is 23½ inches high and 29½ inches wide; kettle two has a protective wall 27½ inches high and 24½ inches wide. The wall heights (23½ inches and 27½ inches) have been modified, increasing them to 32 inches.

The applicant asserts that the erection of a guardrail of standard height would seriously interfere with the moving of items in and out of the galvanizing tank and with the skimming of the zinc. In addition, it states that the use of stand-

and guardrails would create an additional hazard by increasing the possibility of splashing zinc. However, the applicant contends that the combination of the 32 inch side height and the 29½ inch or 24½ inch ledge width will provide protection equivalent to that which would be provided by use of a standard guardrail.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N3603, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor, OSHA, 32nd Floor, Room 3263, 230 South Dearborn Street, Chicago, Illinois 60604.

U.S. Department of Labor, OSHA, 230 South Dearborn—10th Floor, Chicago, Illinois 60604.

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than August 23, 1976. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than August 23, 1976, in conformance with the requirements of 29 CFR 1905.15. Submission of written comments and request for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim Order.* It appears from the application for a variance and interim order that a wall of 32 inches in height combined with the 29½ inch or 24½ inch ledge width will provide a place of employment as safe as that required by the standards. Therefore, it is ordered, pursuant to authority in section 6(d) of the Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that Joslyn Manufacturing and Supply Company be, and it is hereby, authorized to use its two galvanizing kettles with a wall of 32 inches in height and the 29½ inch or 24½ inch ledge width in lieu of a standard guardrail.

Joslyn Manufacturing and Supply Company shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective Date: This interim order shall be effective as of July 23, 1976, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C. this 19th day of July, 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc. 76-21386 Filed 7-22-76; 8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH Meeting

Notice is hereby given that the Subgroup on Compliance, National Advisory

Committee on Occupational Safety and Health (NACOSH), will meet on August 10, 1976 in Room N-5437, Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

The National Advisory Committee was established under section 7(a) of the Occupational Safety and Health Act of 1970 to advise the Secretary of Labor and the Secretary of Health, Education and Welfare on matters relating to the administration of the Act.

The meeting will begin at 1:00 p.m. and will last until approximately 4:00 p.m. The public is invited to attend. The Subgroup will complete its recommendations to the full committee on the definition of repeated violations. The recommendations will address OSHA policy in this area with respect to geographical area and the time within which a prior citation should be considered the basis for a repeated citation. OSHA's present policy is twofold: 1) for employers having fixed establishments, repeated citations are limited to the cited establishment; and 2) for employers having no fixed establishment, repeated citations occurring anywhere within the same State (however, the geographical scope for maritime is limited to a designated "port area").

For additional information on the Subgroup's agenda, please contact:

Nancy L. Huckle, Committee Management Office, National Advisory Committee on Occupational Safety and Health, Room N-3635, U.S. Department of Labor, Third Street and Constitution Avenue, NW., Washington, D.C. 20210.

Any written data or views concerning this agenda item or suggestions for future agenda items which are received by the Committee Management Office before the meeting, preferably with 20 copies, will be presented to the Subgroup and included in the official record of the meeting.

Anyone wishing to request an oral presentation should notify the Committee Management Office before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Subgroup Chairman, depending on the extent to which time permits.

Official records of the meeting will be available for public inspection at the above address.

Signed at Washington, D.C. this 20th day of July 1976.

J. GOODSELL,
Executive Secretary.

[FR Doc. 76-21387 Filed 7-22-76; 8:45 am]

ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH

Meeting

Notice is hereby given that the Advisory Committee on Construction

Safety and Health, established under section 107(e) (1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656) will meet on Monday, August 9, and Tuesday, August 10, 1976 starting at 9:00 a.m. in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, NW., Washington, D.C. The meeting is open to the public.

The purpose of this meeting is to consider and make recommendations to the Assistant Secretary on the proposed permanent standard for diving operations. Materials provided to members of the committee are available for inspection and copying at the Committee Management Office.

Written data, views, or arguments may be submitted, preferably with 20 copies, to the Committee Management Office. Any such submissions received prior to the meeting will be provided to the members of the group and will be included in the record of the meeting. In addition, anyone wishing to make an oral presentation should contact the Committee Management Office prior to the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled, if time permits, at the discretion of the committee chairman.

Communications may be mailed to:

J. Goodell, Committee Management Office, Department of Labor, Occupational Safety and Health Administration, Third Street and Constitution Avenue, NW., Room N-3635, Washington, D.C. 20210.

Signed at Washington, D.C., this 21st day of July 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc. 76-21591 Filed 7-22-76; 8:45 am]

Office of Employee Benefits Security

[Prohibited Transaction Exemption 76-5]

EMPLOYEE BENEFIT PLANS

Exemption From Prohibitions Respecting Transaction Involving International Brotherhood of Electrical Workers Local Union No. 606 Health and Welfare Fund

Notice is hereby given of the granting of an exemption under the authority of section 408(a) of the Employee Retirement Income Security Act of 1974 (the Act) relating to a proposed transaction involving an interest free loan of forty thousand dollars (\$40,000) to the International Brotherhood of Electrical Workers Local Union No. 606 Health and Welfare Fund (the Plan) from the International Brotherhood of Electrical Workers Local Union No. 606 (the Union) to enable the Plan to pay health insurance premiums to cover Plan participants and beneficiaries.

BACKGROUND

On April 13, 1976, notice was published in the FEDERAL REGISTER (41 FR 15481)

of a request for exemption from the restrictions of section 406(a) and 406(b) (2) of the Act for the above loan transaction filed by the Trustees of the Plan. The notice sets forth a summary of the facts and representations contained in the application, and referred interested persons to the application for a complete statement of the facts and representations. The notice also invited interested persons to submit comments on the requested exemption to the Department of Labor (the Department). Additionally, the notice stated that any interested person may submit a written request that a hearing be held relating to the requested exemption. One comment was received by the Department, urging that the requested exemption be granted and that the Department consider the granting of a class exemption for this type of transaction.

The application and supporting documentation (the application) submitted by the Trustees of the Plan in support of the requested exemption have been available for public inspection at the Department in Washington, D.C.

Based upon the representations and facts submitted in the application and consideration of the public comment, the Department has decided to grant the requested exemption for the transaction described in such application.

Notice of the requested exemption as published in the FEDERAL REGISTER was posted continuously at the Union hall for at least thirty days. Additionally, copies of the FEDERAL REGISTER notice were provided to all Union members and Plan participants by first class mail within 10 days of publication in the FEDERAL REGISTER.

GENERAL INFORMATION

1. The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act does not relieve a fiduciary with respect to a plan to which the exemption is applicable from certain other provisions of the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with subsection (a) (1) (B) of section 404 of the Act;

2. The exemption contained herein does not extend to section 406(b) (1) and (3) of the Act; and

3. This exemption is supplemental to, and not in derogation of, any other provisions of the Act, including statutory exemptions and transitional rules. Further, the fact that a transaction is the subject of an exemption is not dispositive of whether the transaction would have been a prohibited transaction in the absence of such exemption or, though it would have been a prohibited transaction, is exempt by operation of a statutory exemption or a transitional rule.

EXEMPTION

Pursuant to section 408(a) of the Act and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and based upon the facts and representations contained in the application for exemption submitted by the Trustees of the Plan and consideration of public comment, the Department finds that it is administratively feasible, in the interests of the Plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the Plan to grant, and hereby grants an exemption effective July 19, 1976 so that the restrictions of section 406(a) and 406(b) (2) shall not apply to the interest free loan of \$40,000 by the Union to the Plan to enable the Plan to pay health insurance premiums pursuant to the terms, conditions and representations set forth in the application.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction when consummated pursuant to the exemption.

Signed at Washington, D.C., this 19th day of July 1976.

JAMES D. HUTCHINSON,
Administrator of Pension and
Welfare Benefit Programs,
Department of Labor.

[FR Doc.76-21252 Filed 7-22-76; 8:45 am]

Office of the Secretary

[TA-W-823]

CHICAGO EXPANSION BOLT CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-823; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 30, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing masonry fasteners at the Chicago, Illinois plant of the Chicago Expansion Bolt Corporation.

The notice of investigation was published in the FEDERAL REGISTER on May 21, 1976 (41 FR 20943). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Chicago Expansion Bolt Corporation.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that without regard to whether any of the other criteria have been met, criterion (1) has not been met.

Employment of production workers at the Chicago Expansion Bolt Corporation has been stable within the past 12 months. During the period one worker was laid off while hours worked per week by production employees remained constant. This layoff constituted less than 5 percent of the plant work force. Thus, a significant number or proportion of the workers at the Chicago Expansion Bolt Corporation were not totally or partially separated in the one year period prior to the date of the petition.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers at the Chicago Expansion Bolt Corporation have not and are not threatened with becoming totally or partially separated as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of July 1976.

JAMES F. TAYLOR,
Director, Planning and
Evaluation Staff.

[FR Doc.76-21144 Filed 7-22-76; 8:45 am]

[TA-W-780]

GTE SYLVANIA INC.

Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-780; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 2, 1976 in response to a worker petition received on April 2, 1976 which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers and former

workers producing printed circuit electronic connectors, radios and portable television sets at GTE Sylvania, Inc., Titusville, Pennsylvania. The Department's investigation has revealed that the Titusville plant does not produce radios or portable televisions.

The Notice of Investigation was published in the FEDERAL REGISTER on April 23, 1976 (41 FR 17033). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of GTE Sylvania, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

This investigation has revealed that although the first three criteria have been met, the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The annual average plant employment of production workers at the Titusville plant declined 19.8 percent in 1975 compared to 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

The total sales of the Titusville plant declined 26.8 percent in value in 1975 compared to 1974.

INCREASED IMPORTS

The ratios of imports of printed circuit electronic connectors to domestic production and consumption increased in each year in value from 2.02 percent and 2.04 percent, respectively, in 1973 to 3.62 percent and 3.65 percent, respectively in 1975.

CONTRIBUTED IMPORTANTLY

The evidence developed during the Department's investigation indicates that

the customers of the Titusville plant have not purchased imported printed circuit electronic connectors. Those customers who reduced purchases from the Titusville plant stated that their purchases were reduced due to the state of the economy.

The Titusville plant has previously performed work under contract for manufacturers other than GTE. The expiration of a major contract in 1974 was responsible for significant employment and sales declines. Also, a major product line was transferred from the Titusville plant to another domestic GTE facility in 1974. This transfer also resulted in a substantial decline in sales and employment. Company imports from foreign operations constituted less than 1 percent of the Titusville plant's sales in 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of printed circuit electronic connectors did not contribute importantly to the total or partial separation of workers at GTE Sylvania, Titusville, Pennsylvania.

Signed at Washington, D.C., this 13th day of July 1976.

JAMES F. TAYLOR,
Director, Planning and
Evaluation Staff.

[FR Doc.76-21145 Filed 7-22-76;8:45 am]

SHRIMP

Adjustment Assistance

On May 12, 1976, the International Trade Commission determined that increased imports of shrimp are a substantial cause of serious injury to the domestic industry for purposes of the import relief provisions of the Trade Act of 1974 (41 FR 20224).

Section 224 of the Trade Act directs the Secretary of Labor to initiate an industry study whenever the ITC begins an investigation under the import relief provisions of the Act. The purpose of the study is to determine the number of workers in the domestic industry petitioning for relief who have been or are likely to be certified as eligible for adjustment assistance and the extent to which existing programs can facilitate the adjustment of such workers to import competition. The Secretary is required to make a report of this study to the President and also make the report public (with the exception of information which the Secretary determines to be confidential).

The Department of Labor has concluded its report on shrimp. The report found as follows:

1. Since April 3, 1975, the effective date of the adjustment assistance program, the Department of Labor has not received any petitions for certification of eligibility to apply for worker adjustment assistance from the industry pro-

ducing shrimp covered by the ITC investigation.

2. Over the next 12 months as many as 300 of the 1,732 former employees involved in processing shrimp and other seafood on layoff status during 1975 may apply for certification of eligibility to apply for adjustment assistance. Most, if not all, of these employees are expected to be recalled during 1976 as the shrimp processing season gets underway, provided the supply of raw shrimp does not drop below 1975 levels. It should be noted that since the industry has only slight seasonality, most of these workers would not be excluded from trade readjustment and relocation allowances by the requirement in the Act that all eligible workers must have been employed at least 26 of the 52 weeks immediately preceding their separations.

3. Only one significant pocket of unemployment was identified in Georgia in the processing segment of the industry. The unemployment rate for the State of Georgia has been over 7 percent in early 1976, and the workers' immediate reemployment prospects are not good. Moreover, their low level of education and limited skills further limit their chances of finding employment. Available data, which was very limited, did not indicate that there might be significant unemployment in the fishing segment of the industry.

4. The Comprehensive Employment and Training Act (CETA) programs in the areas where processing plants are located and in the home port areas of the vessels covered by the survey appear to have sufficient funds to meet the needs of unemployed workers. However, many training programs have already exceeded expected enrollment levels. The Employment and Training Administration through the State Employment Service has the authority to purchase additional training when CETA funds are not available.

Copies of the Department report containing nonconfidential information developed in the course of the 6-month investigation may be purchased by contacting the Office of Trade Adjustment Assistance, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210 (phone 202-523-7665).

Signed at Washington, D.C., this 9th day of July 1976.

JOEL SEGAL,
Deputy Under Secretary,
International Affairs.

[FR Doc.76-21143 Filed 7-22-76;8:45 am]

[TA-W-980]

U.S. PIPE AND FOUNDRY CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 6, 1976, the Department of Labor received a petition dated April 15, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act")

by the United Steelworkers of America on behalf of the workers and former workers of Southeastern Bolt and Screw Division, U.S. Pipe and Foundry Company, Birmingham, Alabama (TA-W-980).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with special and standard fasteners distributed by the U.S. Pipe and Foundry Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 2, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 2, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 6th day of July 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-21146 Filed 7-22-76;8:45 am]

[TA-W-781]

FREETOWN SCREW MANUFACTURING COMPANY, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of

Labor herein presents the results of TA-W-781: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 2, 1976 in response to a worker petition received on that date which was filed by the United Electrical Radio and Machine Workers on behalf of workers and former workers engaged in the production of machine screws, special machine screws and sheet metal screws at Freetown Screw Mfg. Co., Inc., East Freetown, Mass.

The notice of investigation was published in the FEDERAL REGISTER on April 23, 1976 (41 FR 17032). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Freetown Screw Mfg. Co., Inc., its customers, the Industrial Fasteners Institute, the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that the first three criteria have been met, but the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of workers decreased 27 percent in 1975 compared to 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production declined 55 percent in 1975 compared to 1974.

INCREASED IMPORTS

Imports of iron or steel screws rose in 1972 compared to 1971 and increased every year thereafter until 1975, when imports declined 35 percent compared to 1974. The ratios of imports of iron or steel screws to domestic production and

consumption increased from 36.3 percent and 28.1 percent, respectively, in 1974 to 38.2 percent and 29.9 percent in 1975.

CONTRIBUTED IMPORTANTLY

The investigation revealed that customers reduced their purchases of machine screws, special machine screws and sheet metal screws from Freetown Screw Manufacturing Co., Inc. due to the economic recession. They did not increase purchases from offshore producers.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with machine screws, special machine screws and sheet metal screws produced at Freetown Screw Manufacturing Co., Inc., East Freetown, Mass. did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washington, D.C. this 30th day of June 1976.

JAMES F. TAYLOR,

Director,

Planning and Evaluation Staff.

[FR Doc.76-21388 Filed 7-22-76;8:45 am]

[TA-W-983]

GETTYSBURG SHOE CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 9, 1976 the Department of Labor received a petition dated June 30, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the Boot and Shoe Workers' Union of America on behalf of the workers and former workers of Gettysburg Shoe Co., Inc., Gettysburg, Pa., a division of Dero Industries, New York, New York (TA-W-783). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Gettysburg Shoe Co., Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 2, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 2, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 9th day of July, 1976.

MARVIN M. FOOKS,

Director, Office of

Trade Adjustment Assistance.

[FR Doc.76-21389 Filed 7-27-76;8:45 am]

[TA-W-984]

I.T.T. HIGBIE MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 9, 1976 the Department of Labor received a petition dated July 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Automobile, Aerospace, Agricultural and Implement Workers of America on behalf of the workers and former workers of I.T.T. Highbie Manufacturing Co., Avon Division, Rochester, Michigan (TA-W-784). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with bent steel for gas lines, transmission lines, carburetor lines, automatic control levers for automobiles produced by I.T.T. Highbie Mfg. Co. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 2, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 2, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 9th day of July, 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-21390 Filed 7-22-76;8:45 am]

[TA-W-981]

JACOBY-BENDER, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 9, 1976 the Department of Labor received a petition dated July 2, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the Retail Wholesale Department Store Union on behalf of the workers and former workers of Jacoby-Bender, Inc., Woodside, New York (TA-W-981). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with leather and metal watch straps produced by Jacoby-Bender, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the

investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 2, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 2, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 9th day of July 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-21392 Filed 7-22-76;8:45 am]

[TA-W-956]

JO-GAL SHOE, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 29, 1976 the Department of Labor received a petition dated June 7, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Jo-Gal Shoe, Inc., Lawrence, Massachusetts a division of Morse Shoe Co., Canton, Mass. (TA-W-956). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with imitation leather shoes for misses, children, infants produced by Jo-Gal Shoe, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is

filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 2, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 2, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of June 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-21391 Filed 7-22-76;8:45 am]

[TA-W-985]

LOWELL SHOE CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 14, 1976, the Department of Labor received a petition dated June 8, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Lowell Shoe Co., Inc., Lowell, Massachusetts (TA-W-985).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's duty shoes produced by Lowell Shoe Co., Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 2, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 2, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of July 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-21393 Filed 7-22-76;8:45 am]

[TA-W-930]

LOWENGART CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On June 16, 1976, the Department of Labor received a petition dated May 28, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Lowengart Corporation, Ponce, Puerto Rico (TA-W-930). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with animal skin tanned by Lowengart Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 2, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the

Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 2, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 16th day of June 1976.

DOMINIC SORRENTINO,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-21394 Filed 7-22-76;8:45 am]

[TA-W-982]

MINI SHOE COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 9, 1976, the Department of Labor received a petition dated June 4, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Mini Shoe Company, Inc., Lowell, Massachusetts (TA-W-982). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with leather shoe uppers for men, women, & children produced by Mini Shoe Company, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 2, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 2, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 9th day of July 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-21395 Filed 7-22-76;8:45 am]

[TA-W-986]

NATIONAL TAILORING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 14, 1976, the Department of Labor received a petition dated June 18, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of National Tailoring Company, St. Louis, Missouri (TA-W-986). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's and women's suits produced by National Tailoring Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 2, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 2, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor,

3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of July 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-21396 Filed 7-22-76; 8:45 am]

[TA-W-317T]

SPERRY UNIVAC

Investigation Regarding Termination of Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under Section 222 of the Trade Act of 1974 ("the Act") and in accordance with Section 223 of the Act, on January 31, 1976 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers of the Utica, New York plant of the Sperry Univac division of Sperry Rand Corporation, New York, New York engaged in employment related to the production of punch and die assemblies. The notice of certification was published in the Federal Register on February 17, 1976 (41 FR 7189).

On the basis of further showing, the Director of the Office of Trade Adjustment Assistance has instituted an investigation directed to the termination of the certification, as provided for in Section 223(d) of the Act and 29 CFR 90.17(a).

The purpose of the investigation is to determine whether the total or partial separations of the certified workers of Sperry Univac are no longer attributable to the conditions specified in Section 222 of the Act and 29 CFR 90.16(b).

Pursuant to 29 CFR 90.17(b) the group of workers or any other persons showing a substantial interest in the proceedings may request a public hearing or may make written submissions to show why the certification should not be terminated. *Provided*, that such request or submission is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 2, 1976.

The record of the certification (TA-W-317) containing non-confidential information is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Ave., N.W. Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of July 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-21397 Filed 7-22-76; 8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 98]

ASSIGNMENT OF HEARINGS

JULY 20, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 52858 (Sub 114), Convoy Company, now assigned July 28, 1976 at Denver, Colorado will be held in Division 1, U.S. Court of Appeals, Federal Courthouse, 4th Floor, 1961 Stout Street, instead of Room 158, U.S. Customs House, 721 19th Street.

AB 19 (Sub-No. 21), Baltimore and Ohio Railroad Company Abandonment Portion Sandusky Branch Between Willard and Wilmer, In Huron and Erie Counties, Ohio now assigned July 29, 1976, at Sandusky, Ohio is canceled and application dismissed.

MC 94742 (Sub-No. 37), Michaud Bus Lines, Inc., now assigned July 12, 1976, at Boston, Mass. is postponed to September 13, 1976 (1 week), at Boston, Mass. in a hearing room to be later designated.

MC 59856 (Sub-No. 64), Salt Creek Freightways, now assigned October 4, 1976, at Boise, Idaho, is postponed indefinitely.

MC 53965 (Sub-No. 112), Graves Truck Line, Inc. Transferred to Modified Procedure.

MC 124774 (Sub 94), Midwest Refrigerated Express, Inc. now being assigned September 9, 1976 (2 days), at Boston, Massachusetts in a hearing room to be later designated.

F. D. 28207, Southern Railway Company—Discontinuance of Trains Nos. 5 and 6 the "Piedmont" between Washington, D.C. and Charlotte, North Carolina now being assigned September 13, 1976 at Washington, D.C., September 14, 1976 (1 day), at Charlottesville, Virginia, September 15, 1976 (1 day), at Lynchburg, Virginia, September 16, 1976 (1 day), at Greensboro, North Carolina and September 17, 1976 (1 day), at Charlotte, North Carolina in hearing rooms to be later designated.

MC 135691 (Sub 10), Dallas Carriers Corp. now being assigned October 4, 1976 for continued hearing at the Offices of the Interstate Commerce Commission in Washington, D.C.

No. 36308, Norman Charles Brinke, dba N. C. Brinke, et al. V. Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, et al., now being assigned September 1, 1976, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 2229 (Sub 193), Red Ball Motor Freight, Inc. now being assigned October 21, 1976 (2 days), at Memphis, Tennessee in a hearing room to be later designated.

MC 141533 (Sub 4), Lyn Transport, Inc. now being assigned November 8, 1976 (2 weeks), at New York, New York in a hearing room to be later designated.

MC 141609 (Sub 2), C. T. Transport, Inc., now being assigned November 9, 1976 (2 weeks), at Buffalo, N.Y. in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-21417 Filed 7-22-76; 8:45 am]

[No. MC-C-9084]

DAILY EXPRESS, INC.

Transportation of Empty Intermodal Cargo Containers; Filing of Petition

On June 30, 1976 the above-entitled petition for a declaratory order was inadvertently published in the FEDERAL REGISTER under the incorrect docket No. MC-C-8973. The purpose of this supplementary publication is to indicate the appropriate docket No. MC-C-9084 assigned to this proceeding. The rest of the notice of June 30, 1976 remains as previously published, and representations are due on or before August 18, 1976.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-21418 Filed 7-22-76; 8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 20, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43196—Vinyl Acetate from Points in Texas. Filed by Southwestern Freight Bureau, Agent, (No. B-614), for interested rail carriers. Rates on vinyl acetate, in tankcar loads, as described in the application, from specified points in Texas, to Charlotte, Newell, North Carolina and Celriver, South Carolina.

Grounds for relief—Market competition. Tariff—Supplement 10 to Southwestern Freight Bureau, Agent, tariff 11-G, I.C.C. No. 5217. Rates are published to become effective on August 17, 1976.

FSA No. 43197—Beet or Cane Sugar from Points in Western Territory. Filed by Southwestern Freight Bureau, Agent, (No. B-607), for interested rail carriers. Rates on sugar, beet or cane, in bulk in covered hopper cars, as described in the application, from points in Colorado, Idaho, Kansas, Nebraska and Utah, to Waco, Texas, also returned shipments in the reverse direction.

Grounds for relief—Rate relationship and market competition.

Tariff—Supplements 3 and 4 to Southwestern Freight Bureau, Agent, tariff 96-J, I.C.C. No. 5206. Rates are published to become effective on August 18, 1976.

FSA No. 43198—*Grain and Grain Products from Points in Montana*. Filed by North Pacific Coast Freight Bureau, Agent, (No. 76-1), for and on behalf of Chicago, Milwaukee, St. Paul and Pacific Railroad, and connecting lines. Rates on grain and grain products, in carloads, as described in the application, from specified points on Montana, to points in Oregon and Washington.

Grounds for relief—Carrier competition.

Tariff—Supplement 6 to North Pacific Coast Freight Bureau, Agent, tariff 13-I, I.C.C. No. 1302. Rates are published to become effective on August 21, 1976.

FSA No. 43199—*Fertilizing Compounds from Wellsville, Colorado*. Filed by Western Trunk Line Committee, Agent, (No. A-2727), for interested rail carriers. Rates on fertilizing compounds (manufactured fertilizers), NOIBN, liquid or paste, in tank-car loads, as described in the application, from Wellsville, Colorado, to points in western trunk-line territory, Kentucky, Illinois, and Indiana.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 16 to Western Trunk Line Committee, Agent, tariff W-434-K,

I.C.C. No. A-4994. Rates are published to become effective on August 27, 1976.

By the Commission

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-21415 Filed 7-22-76;8:45 am]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in "Waste" Products, Ex Parte No. MC-85, 124 MCC 583 (1976).

An original and one copy of protests against applicant's participation may be filed with the Interstate Commerce Commission on or before August 16, 1976. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence *within 30 days* of the date of its notice in the FEDERAL REGISTER, subject to its tariff publication effective date.

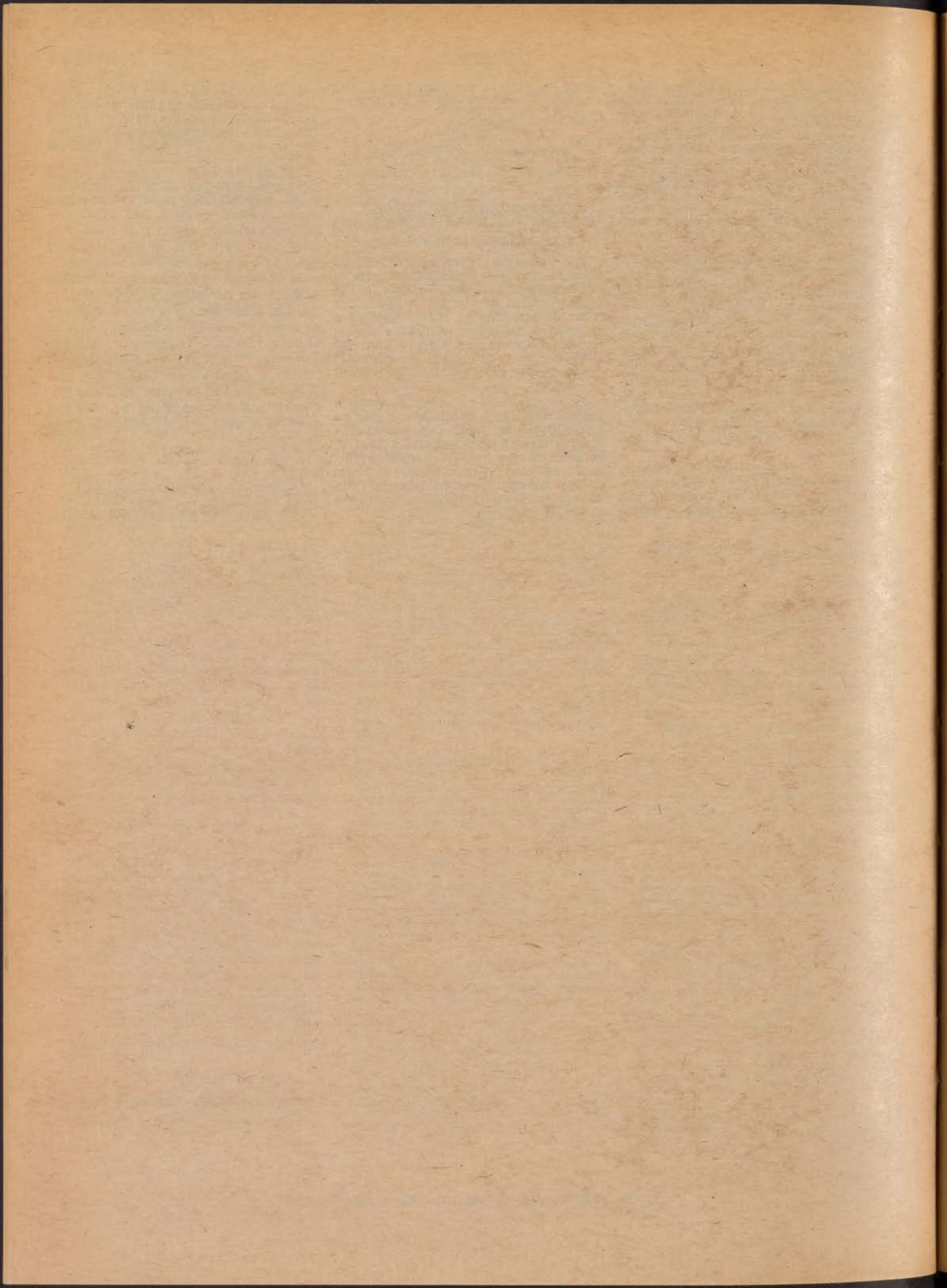
P-1-76 (Special Certificate—Waste Products) filed July 6, 1976. Applicant: J. W. JONES TRUCKING, INC., 3003 Reckord Road, Fallston, Md. 21047. Applicant's representative: E. F. Kane, P.O. Box 251, York, Pa. 17405. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *waste products for recycling or reuse*, between points in the United States (except Alaska and Hawaii), in furtherance of a pollution control program by Kane International, Inc., at York, Pa., for the purpose of recovery of municipal waste for recycling.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-21416 Filed 7-22-76;8:45 am]



federal register

FRIDAY, JULY 23, 1976



PART II:

**DEPARTMENT OF
HEALTH,
EDUCATION, AND
WELFARE**

Food and Drug Administration

■

**PICKLED, FERMENTED,
ACIDIFIED AND
LOW-ACID FOODS**

Proposed Good Manufacturing Practices

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 90]

[Docket No. 75N-0332]

PICKLED, FERMENTED, AND
ACIDIFIED FOODS

Emergency Permit Control

The Food and Drug Administration (FDA) proposes to add a new § 90.22 Pickled, fermented, and acidified foods (21 CFR 90.22) to provide requirements to ensure safe manufacture, processing, and packing procedures. Interested persons have until September 21, 1976 to submit comments.

After consideration of all comments received in response to this proposal, a final regulation will be published in the FEDERAL REGISTER. The Commissioner of Food and Drugs proposes that the final regulation be effective 60 days after date of publication.

The Commissioner issued, in the FEDERAL REGISTER of May 14, 1973 (38 FR 12720), and corrected in the FEDERAL REGISTER of May 30, 1973 (38 FR 14174), proposed definitions and procedures to govern implementation of the emergency permit control authority contained in section 404 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 344). In the FEDERAL REGISTER of January 29, 1974 (39 FR 3748), an emergency permit control regulation was published, which was amended in the FEDERAL REGISTER of April 1, 1974 (39 FR 11876). This regulation was drafted to apply to thermally-processed low-acid foods packaged in hermetically sealed containers primarily because of the potential health hazard from *Clostridium botulinum* toxin. Since the primary public health problem in pickled, fermented, and acidified foods is also toxin from *C. botulinum*, the Commissioner proposes to amend Part 90 (21 CFR Part 90) to provide for emergency permit control for pickled, fermented, and acidified foods.

From January 1972 through December 1975, pickled, fermented, or acidified foods were involved in 4 seizures, 38 recalls, and the issuance of 20 letters to foreign processors stating that their products would no longer be allowed to enter the United States.

The four seizures included two for bacterial spoilage, one for label violations, and one for an excessive amount of tin in the product. Two of the recalls were due to botulinum poisoning that occurred in acidified foods commercially processed in the United States. As a result of these botulinum poisonings, eight people became ill—seven from peppers and one from marinated mushrooms. The peppers were canned in a plant lacking a pH meter and adequate thermometers and were not properly acidified. The mushrooms were not entirely immersed in the acidification bath prior to packing in oil and, consequently, some of them were not acidified. Of the 36 remaining

recalls, 34 involved products (31 imported peppers and pimientos, 2 domestic peppers and 1 imported hearts of palm) which were not acidified to a pH of 4.6 or lower. The other two recalls involved filth in domestic pickles but did not involve insufficient acidification.

Copies of information concerning the incidents related above have been placed on display in the office of the Hearing Clerk, Food and Drug Administration, as part of the record of this proceeding.

All these processors appeared to have lacked awareness of the importance of the technical processing that is critical to assuring a commercially sterile product. The hazard is such that the Commissioner believes it necessary to establish an emergency permit control regulation for this industry to protect the public health.

During the years 1899 through 1964, there were 29 reported outbreaks of botulism that resulted from eating home-canned foods—101 illnesses and 55 deaths were reported. The canned foods involved were pickled beets, peppers, pimientos, and pickles (Ref. 16). Even though these products were home-canned, the figures underscore the need for acidification for adequate processing.

If low-acid foods are to be held in hermetically sealed containers at ambient temperatures, the spores of *C. botulinum* must be destroyed by a high-temperature thermal process (240° F for example). Acid foods or normally low-acid foods that are acidified to an equilibrium pH of 4.6 or below may be held at ambient temperatures in hermetically sealed containers without such a heat treatment because the pH is sufficiently low to prevent the germination of the spores. In many cases, at least a low-temperature process (boiling water or below) must be used to destroy the vegetative cells. *C. botulinum* spores are not destroyed by such low-temperature processes and can produce toxin if the pH has not been reduced enough, or if it is allowed to rise above the level where the spores can reproduce.

Therefore, it is extremely important that the pH be carefully controlled by persons knowledgeable in the problems of canning and that a margin of safety be maintained.

Many articles have been published about acidity and the growth of *C. botulinum* in foods. A number of references concern the acidification of pimientos, a normally low-acid food that is acidified to permit safe processing at low temperature to make canned pimientos acceptable for sale (Refs. 1 through 5).

In such foodstuffs, where acidification or fermentation is relied upon to prevent growth of *C. botulinum*, the recommended maximum pH of 4.6 appears to provide an ample safety margin (Refs. 6, 7, and 8).

Salt-stock-fermented pickles may be stored safely in 10 percent salt solution until processed into finished pickles. This may be done because of the low water activity of the system (Refs. 9, 10, and 11).

Fermentation and salting procedures are set forth in a number of publications (Refs. 12 through 15).

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation as required by Executive Order 11821, OMB Circular A-107, and interim guidelines issued April 1, 1975 by the Department of Health, Education, and Welfare, and no major inflation impact has been found. Copies of the FDA environmental and inflation impact assessments are on file with the Hearing Clerk, Food and Drug Administration.

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The references listed above have been placed on display for public review at the office of the Hearing Clerk, Food and Drug Administration.

Under the Federal Food, Drug, and Cosmetic Act (secs. 402, 404, 701, 52 Stat. 1046-1048 as amended, 1055-1056 as amended by 70 Stat. 19 and 72 Stat. 948 (21 U.S.C. 342, 344, 371) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FR of June 15, 1976 (41 FR 24262)), it is proposed that Part 90 be amended by adding the following new § 90.22, to read as follows:

§ 90.22 Pickled, fermented, and acidified foods.

(a) Inadequate or improper manufacture, processing, or packing of pickled, fermented, and acidified foods may result in the distribution in interstate commerce of processed foods that may be injurious to health. The harmful nature of such foods cannot be adequately determined after these foods have entered into interstate commerce. The Commissioner of Food and Drugs therefore finds that, in order to protect the public health, it may be necessary to require any commercial processor, in any establishment engaged in the manufacture, processing, or packing of pickled, fermented, and acidified foods to obtain and hold a temporary emergency permit provided for under section 404 of the Federal Food, Drug, and Cosmetic Act. Such a permit may be required whenever the Commissioner finds, after investigation, that the commercial processor has failed to fulfill all the requirements of this section, including registration and the filing of process information, and the mandatory portions of §§ 128g.4(e), 128g.7(b), (c) (1) and (2), (d), 128g.8(b), (c) and (d), 128g.10 and 128g.11 of this chapter. These requirements are intended to ensure safe manufacture, processing, and packing processes and to permit the Food and Drug Administration to verify that these processes are being followed. Such failure shall constitute a prima facie basis for the immediate application of the emergency permit control provisions of section 404 of the act to that establishment, pursuant to the procedures established in Subpart A of this part.

(b) The definitions in § 128g.1 of this chapter are applicable when such terms are used in this section.

(c) (1) *Registration and process filing.*—A commercial processor when first engaging in the manufacture, processing, or packing of pickled, fermented, and acidified foods in any state, as defined in section 201(a)(1) of the act, shall, not

later than 10 days after first so engaging, register and file with the Food and Drug Administration on Form FD-2962 (pickled, fermented, and acidified foods establishment registration and process filing) information including (but not limited to) his name, principal place of business, the location of each establishment in which such processing is carried on, the processing method in terms of acidity and pH control and, as necessary, conditions for heat processing and control of salt, sugar, and preservative levels, and a list of foods so processed in each such establishment: *Provided*, That the filing of such information does not constitute approval by the Food and Drug Administration of the content of the information filed, and that information concerning processes and other data so filed shall be considered trade secrets within the meaning of 21 U.S.C. 331(j) and 18 U.S.C. 1905 (to the extent that they qualify as such under the provisions thereof). These forms are available from the Food and Drug Administration, Bureau of Foods, Industry Guidance Branch, HFF-342, 200 C St. SW., Washington, D.C. 20204, or at any Food and Drug Administration district office. The completed form shall be submitted to the Food and Drug Administration, Bureau of Foods, Industry Guidance Branch, HFF-342, 200 C St. SW., Washington, D.C. 20204. Commercial processors presently so engaged shall register and file their processes within 60 days after the effective date of this regulation. Foreign processors shall register and file their processes prior to any offering of such foods for import into the United States. Commercial processors duly registered in accordance with this section shall notify the Food and Drug Administration not later than 90 days after such commercial processor ceases or discontinues the manufacture, processing, or packing of such foods in any establishment: *Provided*, That such notification shall not be required for temporary cessations necessitated by the seasonal character of an establishment's production or by temporary conditions including but not limited to labor disputes, fire, or acts of God.

(2) *Process adherence and information.*—(i) A commercial processor engaged in the processing of pickled, fermented, and acidified foods in any registered establishment shall process each food in conformity with the scheduled processes filed pursuant to paragraph (c) (1) of this section.

(ii) *Process and pH information availability:* When requested by the Food and Drug Administration in writing, a commercial processor engaged in processing of pickled, fermented, and acidified foods shall provide the Food and Drug Administration with any information concerning processes and procedures which the Food and Drug Administration deems necessary to determine the adequacy of the process: *Provided*, That the furnishing of such information does not constitute approval by the Food and Drug Administration of the content of the information filed and that the information concerning processes and other data so furnished shall be considered trade secrets within the meaning of 21 U.S.C. 331(j) and 18 U.S.C. 1905 (to the extent that they qualify as such under the provisions thereof).

(d) A commercial processor engaged in the processing of pickled, fermented, and acidified foods shall promptly report to the Food and Drug Administration any instance of spoilage, process deviation, or contamination with microorganisms the nature of which has potential health-endangering significance where any lot of such food has in whole or in part entered distribution in commerce.

(e) A commercial processor engaged in the processing of pickled, fermented, and acidified foods shall prepare and maintain in his files a current procedure for use for products under his control and which he will ask his distributor to follow, including plans for recalling products that may be injurious to health; for identifying, collecting, warehousing, and controlling products; for determining the effectiveness of recalls; for notifying the Food and Drug Administration of any recalls; and for implementing recall programs.

(f) All plant personnel involved in acidification, pH control, heat treatment or other critical factors of the operation shall be under the operating supervision of a person who has attended a school approved by the Commissioner for giving instruction in food-handling techniques, food protection principles, personal hygiene, plant sanitation practices, pH controls, and critical factors in acidification, and who has satisfactorily completed the prescribed course of instruction. The Commissioner will not withhold approval of any school qualified to give such instruction.

(g) A commercial processor engaged in the processing of pickled, fermented, and acidified foods shall prepare, review, and retain at the processing plant for a period of not less than 1 year, and at the processing plant or other reasonably accessible location for an additional 2 years, all records of processing, deviations in processing, pH, and other records specified in Part 128g of this chapter. Upon written demand during the course of a factory inspection pursuant to section 704 of the act by a duly authorized employee of the Food and Drug Administration, a commercial processor shall permit the inspection and copying by such employee of these records to verify the pH and the adequacy of processing.

(h) This section shall not apply to the commercial processing of any food processed under the continuous inspection program of the Animal and Plant Health Inspection Service of the Department of Agriculture under the Federal Meat Inspection Act (34 Stat. 1256, as amended by 81 Stat. 584 (21 U.S.C. 601 et seq.)) and the Poultry Products Inspection Act

(71 Stat. 441, as amended by 82 Stat. 791 (21 U.S.C. 451 et seq.)).

(1) Imports: (1) This section shall apply to any foreign commercial processor engaged in the processing of pickled, fermented, and acidified foods and offering such foods for import into the United States except that, in lieu of providing for the issuance of an emergency permit under paragraph (a) of this section, the Commissioner will request the Secretary of the Treasury to refuse admission into the United States, pursuant to section 801 of the act, to any such foods which the Commissioner determines, after investigation, may result in the distribution in interstate commerce of processed foods that may be injurious to health as set forth in paragraph (a) of this section.

(2) Any such food refused admission shall not be admitted until the Commissioner determines that the commercial processor offering the food for import has complied with the requirements of this section and that such food is not injurious to health. For the purpose of assisting the Commissioner in making such determination, a duly authorized employee of the Food and Drug Administration shall be permitted to inspect the commercial processor's manufacturing, processing, and packing facilities.

(3) The following data and information submitted to the Food and Drug Administration pursuant to this section are not available for public disclosure unless they have been previously disclosed to the public as defined in § 4.81 of this chapter or they relate to a product or ingredient that has been abandoned and they no longer represent a trade secret or confidential commercial or financial information as defined in § 4.61 of this chapter:

(1) Manufacturing methods or processes, including quality control information.

(2) Production, sales, distribution, and similar data and information, except that any compilation of such data and information aggregated and prepared in a way that does not reveal data or information which is not available for public disclosure under this provision is available for public disclosure.

(3) Quantitative or semiquantitative formulas.

Interested persons may, on or before September 21, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 2, 1976.

SHERWIN GARDNER,
Deputy Commissioner of
Food and Drugs.

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[21 CFR Part 128b]

[Docket No. 75N-0333]

THERMALLY PROCESSED LOW-ACID FOODS PACKAGED IN HERMETICALLY SEALED CONTAINERS

Good Manufacturing Practice

The Food and Drug Administration is proposing to revise the good manufacturing practice regulation for low-acid canned foods under Part 128b (21 CFR Part 128b). Interested parties have until (September 21, 1976) to submit comments. Currently, Part 128b is applicable to some foods that are acidified to a pH of 4.6 or below. Because the heat processing of acidified foods is markedly different from that for normally low-acid foods, the Commissioner proposes that acidified foods be removed from Part 128b and that they be included in a new proposed Part 128g, which is published elsewhere in this issue of the FEDERAL REGISTER.

After consideration of all comments received in response to this proposal, a final regulation will be published in the FEDERAL REGISTER. The Commissioner proposes that the final regulation be effective 60 days after the date of publication.

In the preamble to the regulation promulgating Part 128b, published in the FEDERAL REGISTER of January 24, 1973 (38 FR 2398), the Commissioner, in referring to foods to which heat is applied primarily for some purpose other than to achieve commercial sterility, such as pasteurization, flavor development, or removal of moisture, stated that " * * * it was not the intent of the proposal to include such foods. Such foods will not be subject to coverage under the good manufacturing practice regulations * * *." A number of questions have since been asked as to which foods are in fact covered by the regulation.

The Commissioner has concluded that any thermally processed low-acid food that is packaged in hermetically sealed containers is included in the scope of Part 128b if such food is to be held at ambient temperature after processing. Ordinarily, pasteurized foods are stored and distributed under refrigeration. The Commissioner is aware that there are some low-acid canned foods with a water activity (a_w) greater than 0.85 for which thermal processes are sufficient to destroy non-spore-forming microorganisms, but for which thermal processes are insufficient to destroy spore-forming microorganisms. The growth of spore-forming microorganisms in the product may be prevented by the control of a_w , use of salt or other chemicals, or some unique characteristic of the food. Such foods include cheeses, cheese analogs, cheese sauces and spreads, syrups and toppings, canned cakes and breads, caviar and certain other salt cured products. FDA needs to review data which demonstrate that growth of microorganisms will not occur in these foods and ask that, upon request, scientific evidence be supplied to FDA that establishes that

non-spore-forming organisms are destroyed by the thermal process and that spore-forming organisms will not grow in these foods under normal conditions of storage and distribution. The Commissioner believes that so much is unknown concerning a_w -controlled foods that it is in the public interest to require processors of such foods to register their plants and file their processes as directed in 21 CFR 90.20. He invites comments from any interested party in response to this proposal. The proposed §§ 128b.3(f) and 128b.6(i) are added to provide for proper preparation and thermal processing of the a_w -controlled foods to assure commercial sterility. A proposed modification of § 128b.10 provides for training in these unique aspects of preservation technology. Other mandatory provisions (i.e., §§ 128b.4, 128b.8, and 128b.9) shall apply to the manufacture, processing, and packing of these foods, as appropriate.

The Commissioner proposes other changes to update and clarify Part 128b, along with the proposed deletion of acidified fruits, vegetables, and vegetable products. Some of these changes would add new paragraphs and renumber others. Proposed Part 128g, published elsewhere in this issue of the FEDERAL REGISTER, would establish a good manufacturing practice regulation for pickled, fermented, and acidified foods.

The significant changes being proposed are listed section-by-section as follows:

1. Section 128b.1. The definition of "commercial processor" is expanded to state explicitly that the regulation includes pet food. The preamble of the January 24, 1973, FEDERAL REGISTER notice (38 FR 2398) stated that the Commissioner had always considered that the regulation should apply to the pet food industry, but no statement to that effect appears in the CFR itself.

Definitions for the terms "critical factor," "operating process," and "vacuum packed products" are added. These terms are currently used undefined in several places in the regulation. The definition of "low-acid foods" is revised to exclude those acidified foods that are now to be included in proposed Part 128g.

Since *C. botulinum* can grow and produce toxin in some products at a pH of 4.8, and because the Commissioner maintains that a safety factor of 0.2 pH units is necessary, he proposes to set an upper pH limit of 4.6 for all foods. All foods with a pH of 4.6 or less are to be excluded from coverage under Part 128b. The definition of "low-acid foods" currently in Part 128b excludes "tomatoes, pears, and pineapples * * * having a pH less than 4.7, and figs having a pH of 4.9 or below * * *." The Commissioner believes that available bacteriological data on tomatoes, pineapples, pears, and figs are not adequate to justify these exemptions and, therefore, proposes that these foods be covered under Part 128b if the pH of the raw product is greater than 4.6. The data submitted by National Canners Association concerning the effect of pH on

the growth of *C. botulinum* in canned tomatoes, pineapple, pears and figs, together with an evaluation of these data by the Food and Drug Administration, have been placed on display for public review at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

If cultural varieties of a product have a pH greater than 4.6, such varieties will be exempt by this proposed regulation from Part 128b only if the canning firm has adequate data on record to show that the maximum pH of its raw product before acidification never exceeds 4.6. If the pH of the raw product exceeds 4.6 and the product is acidified, it will be covered by proposed Part 128g rather than by Part 128b.

The definition of "scheduled process" is modified to require that it be equivalent to the process established by a competent processing authority to achieve commercial sterility. Some have asked that the qualifications of a competent processing authority be described. In the Commissioner's opinion the technology for establishing an adequate process for a low-acid canned food is complex and generally learned only by practical experience in addition to formal training. A competent processing authority must fully appreciate all the factors affecting the rate of heat penetration and must understand the need to use all features of food microbiology including the microbiology of canning. Some special staff members of the following organizations possess such a competence: Laboratories of container suppliers, canning industry trade associations, universities, canning firms, consultants, and government.

2. *Section 128b.3.* Sometimes low-acid foods are acidified to a pH higher than 4.6, and the acidification is used in conjunction with a thermal process. Such foods will continue to be regulated under Part 128b. Paragraph (e) is modified to require that the equilibrium pH of the finished product is as specified in the scheduled process and that the provisions of proposed Part 128g apply to the control of acidification.

When control of water activity is used in conjunction with the thermal process to prevent growth of spore-forming microorganisms not destroyed by the thermal process, the control of food composition and other food properties is critical to the safety of the food. Proposed paragraph (f) is added to this section to assure that all critical factors in the scheduled process are controlled and that limits set in the scheduled process are not exceeded.

3. *Section 128b.4.* This section on the establishment of thermal processes is amended to codify the Commissioner's intention that procedures for calculation of thermal processes follow those recognized by competent processing authorities.

4. *Section 128b.5.* Paragraph (b) concerning the marking of retort baskets or containers is expanded to require a sys-

tem of traffic control and to require that heat sensitive indicators be visually checked. This amendment provides a further precaution to lessen opportunities for products to bypass the retort.

Paragraph (c) is expanded to require that, when water is present in a retort during filling or processing, the water must not lower the initial temperature of the contents of the containers below that specified in the scheduled process.

New paragraphs are added to: recommend that times on recording temperature charts agree with the actual time of day as reflected on the written processing records; require that steam supply be adequate; and require that evidence of the adequacy of air removal be recorded and filed when mufflers are used.

5. *Section 128b.6.* The current regulation in one place requires the mercury-in-glass thermometer to have a temperature range of not more than 100° F on a scale at least 7 inches in length, while in another place it requires a temperature range of not more than 150° F on a scale at least 9 inches in length. For consistency, the Commissioner proposes to change the thermometer requirement to require divisions that are easily readable to 1° F and whose temperature range does not exceed 17° F per inch. This amendment will allow the use of some commercially produced thermometers that are fractionally out of compliance with the current regulation. The proposed regulation recommends keeping records of test results and the date of testing for thermometer accuracy.

Since it is essential that the recording device register no higher than the mercury-in-glass thermometer, the requirement that the recording device be adjusted to agree within 1° F of the mercury-in-glass thermometer is to be amended to read: "The temperature chart shall be adjusted as nearly as possible to agree with, but shall in no event be higher than, the known accurate mercury-in-glass thermometer during the processing time."

The current regulation states that each chart shall have a working scale of not more than 50° F per inch. Many manufacturers now produce recording instruments with charts that have a working scale up to 55° F per inch. The Commissioner, not wishing to add an unnecessary expense to the manufacturer to modify such instruments, proposes to change the requirement from 50° F to 55° F per inch.

The mandatory use of the pressure gage is dropped because it serves no essential function in the thermal processing of low-acid foods.

The paragraph concerning bleeders is amended to clarify the position of bleeders on horizontal still retorts and to allow alternate locations of bleeders, provided there is positive evidence of adequate venting of air.

Paragraph (a)(11) is added to require that retorts using water for cooling shall be equipped with a suitable valve to pre-

vent leakage of water into the retort during processing.

"Venting" is the term used to identify that portion of the retorting cycle during which air is flushed from the retort with steam. Retort venting is a critical operation, which is an essential element in the safe processing of low-acid canned foods. Field inspection results indicate that some retort operators either do not understand its purpose or they fail to appreciate its importance. Consequently, the codified language on venting has been reorganized for clarification. In establishing retort venting schedules, it is essential that the principles of venting be taken into account. Pockets of air entrapped during retorting insulate cans from steam and retard heat transfer, resulting in sporadic low level spoilage and posing a potential public health hazard. All established processes are valid only if an atmosphere of pure steam is achieved and maintained. Complete removal of air from the retort is achieved by the free flow of a high volume of steam through the retort chamber. Anything that interferes with this flow of steam prolongs the time necessary to remove entrapped air.

Obviously, an ample supply of steam at all times is basic. To reduce costs, conserve energy, and minimize product overcooking, venting schedules should be established by running heat distribution tests using multiple thermocouples scattered through the retort load under the operating conditions of each product and type of equipment. Once established, the venting schedules must be followed rigidly, and if operating conditions are changed, the venting schedule must be redetermined by heat distribution tests. Factors to be kept in mind are: (a) Cold retorts vent more slowly than hot retorts because initially steam condenses rather than flushing air from the retort; (b) likewise, a retort loaded with cold cans vents more slowly than one loaded with hot cans; (c) it is more difficult to remove air from among small cans than from among large cans because the steam flow is impeded due to a larger number of potential "traps"; (d) stacked cans hold air pockets better than do jumbled cans; (e) divider plates between layers of cans in a crate retard venting, necessitating special venting schedules; (f) inadequately perforated crates prolong the venting period required to achieve air removal; and (g) a globe valve on the discharge (vent) line retards steam flow, as compared to a gate valve of the same size, and thus reduces venting efficiency. Once the air is removed from the retort and the temperature has been brought up to the temperature specified in the scheduled process, the vent line is closed but bleeders must be left open.

Bleeders serve three purposes: (a) On pockets containing thermometer bulbs or temperature sensors for controllers or recorders they ensure that the temperature of the steam in the pocket is representative of the steam temperature in the

retort; (b) they prevent the accumulation of air which is carried into the retort with the steam supply; and (c) they promote steam circulation within the body of the retort. On some types of retorts bleeders must also be used to prevent the accumulation of condensate. Proper retort venting is an essential to good processing as is accurate control of time and temperature.

The paragraph concerning still retorts used for processing in water is expanded to require that the operator check and record the water level and that heat distribution tests be made and recorded to show the adequacy of air or water circulation.

Paragraphs relating to continuous agitating retorts are enlarged to require that heat distribution data be kept on file and that a scheduled still process be made available to the operator for use in an emergency.

A new paragraph requiring flow diversion valves in aseptic processing is added because the Commissioner believes it to be essential to have a flow diversion valve where liquid products are being aseptically processed. The incubation of samples of aseptically processed foods is no longer mandatory.

A new paragraph (i) is added to specify more clearly the requirements for processes wherein water activity control is used in conjunction with the thermal process.

The present paragraph (i) on "new" systems is deleted and a new paragraph (j) on "other" systems is added.

A new paragraph (k) is added to allow alternative processing and control systems when the processor has the express written approval of the Food and Drug Administration.

6. *Section 128b.7.* The paragraph on the visual examination of can seams is expanded to designate specifically what is to be examined during the visual examination of the top seam of a can.

Thickness in can seaming is critical. Therefore, its measurement is now to be required.

A paragraph relating to the closures of glass containers is added because, although the current regulation does not explicitly mention glass containers, its provisions apply to such containers.

The heading of the section on "cooling" is changed to "cooling water." The Commissioner proposes therein to require the chlorination of water for cooling canals and for recirculated water supplies to ensure against contamination.

7. *Section 128b.8.* One new paragraph is proposed. It would require that records be kept to identify the initial distribution of the finished product.

8. *Section 128b.9.* The proposed amendment requires the maintenance of a separate file for all process deviations where the minimum requirements set by the scheduled process are not satisfied. This will enable the processor as well as an FDA investigator to ascertain readily which product may have been under-processed.

Finally, a number of clarifying editorial changes are proposed.

Accordingly, the Commissioner of Food and Drugs proposes to revise the good manufacturing practice regulation for the manufacture and processing of thermally processed low-acid foods packaged in hermetically sealed containers.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation as required by Executive Order 11821, OMB Circular A-107, and interim guidelines issued April 1, 1975 by the Department of Health, Education, and Welfare, and no major inflation impact has been found. Copies of the FDA environmental and inflation impact assessments are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 402(a) (3) and (4), 701(a), 52 Stat. 1046, 1055 (21 U.S.C. 342(a) (3) and (4), 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), it is proposed that Chapter I of Title 21 of the Code of Federal Regulations be amended by revising Part 128b to read as follows:

Sec.	
128b.1	Definitions.
128b.2	Current good manufacturing practice.
128b.3	Product preparation.
128b.4	Establishing scheduled processes.
128b.5	Operations in the thermal processing room.
128b.6	Equipment and procedures.
128b.7	Containers.
128b.8	Processing and production records.
128b.9	Deviations in processing, venting, or control of critical factors.
128b.10	Personnel.

AUTHORITY: Secs. 402(a) (3) and (4), 701(a), 52 Stat. 1046, 1055 (21 U.S.C. 342(a) (3) and (4), 371(a)).

§ 128b.1 Definitions.

For the purposes of this part, the following definitions apply:

(a) "Aseptic processing and packaging" means the filling of a commercially sterilized cooled product into presterilized containers, followed by aseptic hermetic sealing, with a presterilized closure, in an atmosphere free of microorganisms.

(b) "Bleeders" means openings used to remove air that enters with steam from retorts and steam chambers and to promote circulation of steam in such retorts and steam chambers. Bleeders may serve as a means of removing condensate.

(c) "Coming-up-time" means the time which elapses between the introduction of steam into the closed retort and the time when the retort reaches the required processing temperature.

(d) "Commercial processor" shall include any person engaged in commercial, custom, and so-called sportsman processing or institutional (church, school, pe-

nal, or other organization) processing of food, including pet food.

(e) "Commercial sterility" of thermally processed food means the condition achieved by application of heat which renders such food free of viable forms of microorganisms having public health significance, as well as viable forms of microorganisms of nonhealth significance capable of reproducing in the food under normal nonrefrigerated conditions of storage and distribution. "Commercial sterility" of equipment and containers used for aseptic processing and packaging of food means the condition achieved by application of heat, chemical sterilant(s), or other appropriate treatment which renders such equipment and containers free of viable forms of microorganisms having public health significance as well as viable forms of microorganisms of nonhealth significance capable of reproducing in the food under normal nonrefrigerated conditions of storage and distribution.

(f) "Critical factor" means any property, characteristic, condition, aspect or other parameter, variation of which may affect the scheduled process and the attainment of commercial sterility.

(g) "Flame sterilizer" means an apparatus in which hermetically sealed containers are agitated at atmospheric pressure, by either continuous, discontinuous, or reciprocating movement, with impinging gas flames to achieve sterilization temperatures. A holding period in a heated section may follow the initial heating period.

(h) "Headspace, gross" is the vertical distance between the level of the product (generally the liquid surface) in an upright rigid container and the top edge of the container (the top of the double seam of a can or the top edge of a glass jar).

(i) "Headspace, net" of a container is the vertical distance between the level of the product (generally the liquid surface) in the upright rigid container and the inside surface of the lid.

(j) "Hermetically sealed container" means a container which is designed and intended to be secure against the entry of microorganisms and to thereby maintain the commercial sterility of its contents after processing.

(k) "Incubation" means the holding of a sample(s) at a specified temperature for a specified period of time for the purpose of permitting or stimulating the growth of microorganisms.

(l) "Initial temperature" means the average temperature of the contents of the coldest container to be processed at the time the thermal processing cycle begins, as determined after thorough stirring or shaking of the filled and sealed container.

(m) "Lot" means that amount of a product produced during a period of time indicated by a specific code.

(n) "Low-acid foods" means any foods, other than alcoholic beverages, with a finished equilibrium pH value greater than 4.6 and a water activity (a_w) greater than 0.85.

(o) "Minimum thermal process" means the application of heat to food, either before or after sealing in a hermetically sealed container, for a period of time and at a temperature scientifically determined to be adequate to ensure destruction of microorganisms of public health significance.

(p) "Operating process" means the process selected by the processor that equals or exceeds the minimum requirements set forth in the scheduled process.

(q) "Retort" means any closed vessel or other equipment used for the thermal processing of foods.

(r) "Scheduled process" means the process selected by the processor as adequate under the conditions of manufacture for a given product to achieve commercial sterility. This process may be in excess of that necessary to ensure destruction of microorganisms of public health significance, and shall be at least equivalent to the process established by a competent processing authority to achieve commercial sterility.

(s) "Shall" and "should." As used in this part, "shall" refers to mandatory requirements and "should" refers to recommended or advisory procedures or equipment.

(t) "Vacuum-packed products" means those products that are sealed in a container under the vacuum specified in the scheduled process, the maintenance of which vacuum is critical to the adequacy of the scheduled process.

(u) "Vents" means openings controlled by gate, plug cock, or other adequate valves used for the elimination of air during the venting period.

(v) "Water activity" (a_w) is a measure of the free moisture in a product and is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature.

§ 128b.2 Current good manufacturing practice.

The criteria in §§ 128b.3 through 128b.10 shall apply in determining whether the facilities, methods, practices, and controls used by the commercial processor in the manufacture, processing, or packing of low-acid foods in hermetically sealed containers are operated or administered in a manner adequate to protect the public health.

§ 128b.3 Product preparation.

(a) The processor shall assure that raw materials and ingredients susceptible to microbiological contamination are suitable for use in processing low-acid foods prior to their use in such foods. This may be accomplished by examining such raw materials and ingredients for microbiological condition, receiving them under a supplier's guarantee that they are suitable for use, or by other acceptable means.

(b) Blanching by heat, when required in the preparation of food for canning, should be effected by heating the food to the required temperature, holding it at this temperature for the required time, and then either rapidly cooling the food

or passing it to subsequent processing without delay. Thermophilic growth and contamination in blanchers should be minimized by the use of adequate operating temperatures and by cleaning. Where the blanched food product is washed prior to filling, potable water should be used.

(c) The filling of containers, either mechanically or by hand, shall be controlled so as to ensure that the filling requirements specified in the scheduled process are met.

(d) The exhausting of containers for the removal of air shall be controlled so as to meet the conditions for which the process was designed. This may be done by heat exhausting, mechanical exhausting, hot brining, or steam injection.

(e) When the maintenance of pH of a normally low-acid food is a basis for a scheduled process, there shall be careful supervision to ensure that the equilibrium pH of the finished product meets that of the scheduled process. The methodology described in § 128g.3 of this chapter shall be used.

(f) When the scheduled process sets forth critical factors such as water activity control to prevent the growth of microorganisms not destroyed by the thermal process, the factors shall be carefully controlled to ensure that the limits established in the scheduled process are not exceeded.

§ 128b.4 Establishing scheduled processes.

Scheduled processes for low-acid foods shall be established by qualified persons having expert knowledge of thermal processing requirements for low-acid foods in hermetically sealed containers and having adequate facilities for making such determinations. The type, range, and combination of variations encountered in commercial production shall be adequately provided for in establishing the scheduled process. Critical factors which may affect the scheduled process e.g., minimum headspace, consistency, maximum fill in or drained weight, a_w , etc., shall be specified in the scheduled process. Acceptable scientific methods of establishing heat sterilization processes shall include, where necessary, but not be limited to microbial thermal death time data, process calculations based on product heat penetration data, and inoculated packs. Calculation shall be performed according to procedures recognized by competent processing authorities. If incubation tests are necessary for process confirmation they shall include containers from test trials and from actual commercial production runs during the period of instituting the process. The incubation tests for confirmation of the scheduled processes should include the containers from the test trials and a number of containers from each of four or more actual commercial production runs. The number of containers from actual commercial production runs should be determined on the basis of recognized scientific methods to be of a size sufficient to ensure the adequacy of the process. Complete records covering all aspects

of the establishment of the process and associated incubation tests shall be prepared and shall be permanently retained by the person or organization making the determination.

§ 128b.5 Operations in the thermal processing room.

(a) Operating and scheduled processes or both and retort venting procedures to be used for each product and container size being packed shall either be posted in a conspicuous place near the processing equipment or shall be made readily available to the retort or processing system operator and any duly authorized employee of the Food and Drug Administration.

(b) A system for product traffic control in the retort room shall be established to prevent unretorted products from bypassing the retort process. Each retort basket, truck, car or crate used to hold containers in a retort, or one or more containers therein, shall, if it contains any retorted food product be plainly and conspicuously marked with a heat sensitive indicator, or by other effective means which will visually indicate to thermal processing personnel units which have been retorted. A visual check shall be performed to determine whether or not the appropriate change has occurred in the heat-sensitive indicator as a result of retorting for all retort baskets, trucks, cars or crates to ensure that each unit of product has been retorted. A written record of these checks should be made.

(c) The initial temperature of the contents of the containers to be processed shall be determined and recorded with sufficient frequency to ensure that the temperature of the product is no lower than the minimum initial temperature specified in the scheduled process. For those operations which use water during the filling of the retort or during processing, provision shall be made to ensure that the water will not, prior to the start of each thermal process, lower the temperature specified in the scheduled process.

(d) Timing devices used in recording thermal process time information shall be accurate to the extent needed to ensure that the processing time specified in the scheduled process is achieved. Pocket or wrist watches or digital clocks shall not be considered satisfactory for timing purposes.

(e) Clock times on recording temperature charts should agree with the times on the written processing records.

(f) The steam supply to the thermal processing system shall be adequate to the extent needed to ensure that sufficient steam pressure is maintained during thermal processing, regardless of other demands of steam by the plant.

(g) If mufflers are used on bleeders or vent systems, evidence that the bleeders or vents are operated in a manner that does not significantly impede the removal of air shall be kept on file. This may be in the form of heat distribution data or other satisfactory evidence.

§ 128b.6 Equipment and procedures.

(a) *Equipment and procedures for pressure processing in steam in still retorts.* (1) *Indicating mercury-in-glass thermometer.* Each retort shall be equipped with at least one mercury-in-glass thermometer which shall have divisions that are easily readable to 1° F and whose temperature range does not exceed 17° F per inch of graduated scale. Thermometers shall be tested for accuracy checks which specify date, standard thermometer upon installation and at least once a year thereafter, or more frequently if necessary to ensure their accuracy. Records of thermometer accuracy checks which specify date, standard used, method used and person performing the test should be maintained. Each thermometer should have a tag, seal, or other means of identity that includes the date on which it was last tested for accuracy. A thermometer that has a divided mercury column or that cannot be adjusted to the standard shall be repaired or replaced before further use of the retort. Thermometers shall be installed where they can be accurately and easily read. Bulbs of indicating thermometers shall be installed either within the retort shell or in external wells attached to the retort. External wells or pipes shall be connected to the retort through at least a 3/4-inch diameter opening, and shall be equipped with a 1/16-inch or larger bleeder opening so located as to provide a full flow of steam past the length of the thermometer bulb. The bleeders for external wells shall emit steam continuously during the entire processing period. The mercury thermometer—not the recorder chart—shall be the reference instrument for indicating the processing temperature.

(2) *Temperature recording device.* There shall be an accurate temperature recording device for each still retort. Temperature recording devices shall have graduations that do not exceed 2° F within a range of 10° F of the processing temperature. Each chart shall have a working scale of not more than 55° F per inch within a range of 20° F of the processing temperature. The temperature chart shall be adjusted as nearly as possible to agree with, but shall in no event be higher than, the known accurate mercury-in-glass thermometer during the process time. A means of preventing unauthorized changes in adjustment shall be provided. A lock, or a notice from management posted at or near the recording device which provides a warning that only authorized persons are permitted to make adjustments, are satisfactory means for preventing unauthorized changes. This recorder may be combined with the steam controller and may be a recording-controlling instrument. The temperature recorder bulb shall be installed either within the retort shell or in a well attached to the shell. Each temperature recorder bulb well shall have a 1/4 inch or larger bleeder which emits steam continuously during the processing period. Air-operated temperature controllers should have adequate filter systems to ensure a supply of clean, dry,

air, which should be supplied to the retort controllers from a system that is separate from the air supply to the rest of the plant.

(3) *Pressure gages.* Each retort should be equipped with a pressure gage, which should be graduated in divisions of 2 pounds or less.

(4) *Steam controller.* Each retort shall be equipped with an automatic steam controller to maintain the retort temperature. This may be a recording-controlling instrument when combined with a recording thermometer. A steam controller activated by the steam pressure of the retort is acceptable if it is carefully maintained mechanically so that it operates satisfactorily.

(5) *Steam inlet.* The steam inlet to each still retort shall be large enough to provide sufficient steam for proper operation of the retort. Steam may enter either the top portion or the bottom portion of the retort but, in any case, shall enter the portion of the retort opposite the vent; for example, steam inlet in bottom portion and vent in top portion.

(6) *Crate supports.* A bottom crate support shall be employed in vertical still retorts. Baffle plates shall not be used in the bottom of still retorts.

(7) *Steam spreaders.* Horizontal still retorts shall be equipped with steam spreaders that extend along the bottom for the length of the retort; the perforations should be along the top 90° of this pipe, that is, within 45° on either side of the top center. Horizontal still retorts over 30 feet long should have two steam inlets connected to the spreader. In vertical still retorts the steam spreaders, if used, should be perforated along the top or sides of the pipe. The number of perforations in spreaders for horizontal still retorts should be such that the total cross-sectional area of the perforations is equal to 1½ to 2 times the cross-sectional area of the smallest steam inlet line.

(8) *Bleeders.* Bleeders, except those for thermometer wells, shall be one-eighth inch or larger and shall be wide open during the entire process, including the coming-up-time. For horizontal still retorts, bleeders shall be located within approximately 1 foot of each end of the shell of the retort; additional bleeders shall be located not more than 8 feet apart along the top. Bleeders may be more than 1 foot from the end of the shell of the retort provided that there is evidence in the form of heat distribution data that they accomplish adequate venting of air. Vertical retorts shall have at least one bleeder opening located in that portion of the retort opposite the steam inlet. In retorts having top steam inlet and bottom venting, a bleeder shall be installed in the bottom of the retort to remove condensate. All bleeders shall be arranged in such a way that the operator can observe that they are functioning properly.

(9) *Stacking equipment and position of containers.* Crates, trays, gondolas, etc., for holding containers shall be made of strap iron, adequately perforated sheet metal, or other suitable material. When perforated sheet metal is used for the

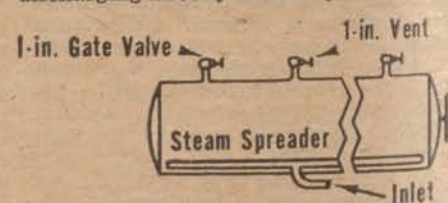
bottoms, the perforations should be approximately the equivalent of 1-inch holes on 2-inch centers. If dividers are used between the layers of containers, they should be perforated as above. The positioning of containers in the retort, when specified in the scheduled process, shall be in accordance therewith.

(10) *Air valves.* Retorts using air for pressure cooling shall be equipped with a suitable valve to prevent air leakage into the retort during processing.

(11) *Water valves.* Retorts using water for cooling shall be equipped with a suitable valve to prevent leakage of water into the retort during processing.

(12) *Vents.* Vents shall be installed in such a way that air is removed from the retort before timing of the process is started. Vents shall be controlled by gate, plug cock, or other adequate type valves which shall be fully open to permit rapid discharge of air from the retort during the venting period. Vents shall not be connected directly to a closed drain system. If the overflow is used as a vent, there shall be an atmospheric break in the line before it connects to a closed drain. The vent shall be located in that portion of the retort opposite the steam inlet; for example, steam inlet in bottom portion and vent in top portion. Where a retort manifold connects several vent pipes from a single still retort, it shall be controlled by a gate, plug cock, or other adequate type valve. The retort manifold shall be of a size such that the cross-sectional area of the pipe is larger than the total cross-sectional area of all connecting vents. The discharge shall not be directly connected to a closed drain without an atmospheric break in the line. A manifold header connecting vents or manifolds from several still retorts shall lead to the atmosphere. The manifold header shall not be controlled by a valve and shall be of a size such that the cross-sectional area is at least equal to the total cross-sectional area of all connecting retort manifold pipes from all retorts venting simultaneously. Timing of the process shall not begin until the retort has been properly vented and the processing temperature has been reached. Some typical installations and operating procedures reflecting the requirements of this section for venting still retorts are given in paragraphs (a) (12) (i) (a) through (d) and (ii) (a) and (b) of this section.

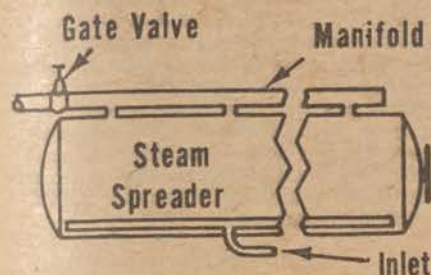
(i) *Venting horizontal retorts.* (a) Venting through multiple 1-inch vents discharging directly to atmosphere.



Specifications. One 1-inch vent for every 5 feet of retort length, equipped with a gate or plug cock valve and discharging to atmosphere; end vents not more than 2½ feet from ends of retort.

Venting method. Vent valves should be wide open for at least 5 minutes and to at least 225° F., or at least 7 minutes and to at least 220° F.

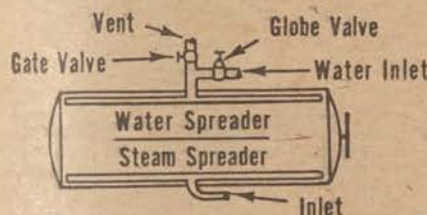
(b) Venting through multiple 1-inch vents discharging through a manifold to atmosphere.



Specifications. One 1-inch vent for every 5 feet of retort length; end vents not over 2½ feet from ends of retort; size of manifold—for retorts less than 15 feet in length, 2½ inches; for retorts 15 feet and over in length, 3 inches.

Venting method. Manifold vent gate or plug cock valve should be wide open for at least 5 minutes and to at least 225° F., or for at least 8 minutes and to at least 220° F.

(c) Venting through water spreaders.

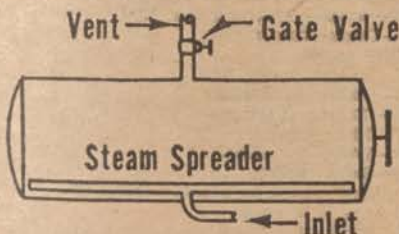


Size of water inlet, vent pipe, and vent valve. For retorts less than 15 feet in length, 2 inches; for retorts 15 feet and over in length, 2½ inches.

Size of water spreader. For retorts less than 15 feet in length, 1½ inches; for retorts 15 feet and over in length, 2 inches.

Venting method. Water spreader vent gate or plug cock valve should be wide open for at least 5 minutes and to at least 225° F., or for at least 7 minutes and to at least 220° F.

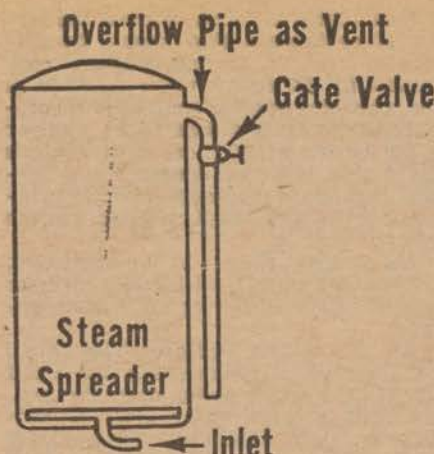
(d) Venting through a single 2½-inch top vent (for retorts not exceeding 15 feet in length).



Specifications: A 2½-inch vent equipped with a 2½-inch gate or plug cock valve and located within 2 feet of the center of the retort.

Venting method: Vent gate or plug cock valve should be wide open for at least 4 minutes and to at least 220° F.

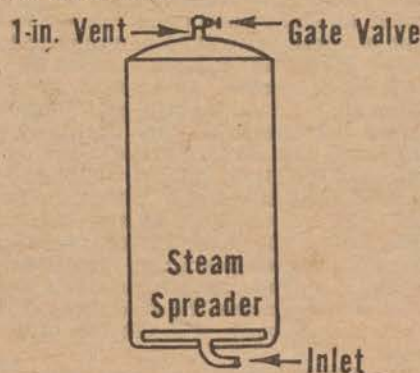
(iii) Venting vertical retorts, (a) Venting through a 1½-inch overflow.



Specifications. A 1½-inch overflow pipe equipped with a 1½-inch gate or plug cock valve and with not more than 6 feet of 1½-inch pipe beyond the valve before break to the atmosphere or to a manifold header.

Venting method. Vent gate or plug cock valve should be wide open for at least 4 minutes and to at least 218° F., or for at least 5 minutes and to at least 215° F.

(b) Venting through a single 1-inch side or top vent.



Specifications. A 1-inch vent in lid or top side, equipped with a 1-inch gate or plug cock valve and discharging directly into the atmosphere or to a manifold header.

Venting method. Vent gate or plug cock valve should be wide open for at least 5 minutes and to at least 230° F. or for at least 7 minutes and to at least 220° F.

(iii) Other installations and operating procedures which deviate from the above specifications may be used provided that there is evidence in the form of heat distribution data, which shall be kept on file, that they accomplish adequate venting of air.

(13) *Critical factors.* Critical factors specified in the scheduled process shall be measured and recorded on the processing record at intervals of sufficient frequency to ensure that the factors are within the limits specified in the scheduled process.

(i) Where maximum fill in or drained weight is specified in the scheduled process it shall be measured and recorded at intervals of sufficient frequency to ensure that the weight of the product does

not exceed the maximum for the given container size specified in the scheduled process.

(ii) Closing machine vacuum, in vacuum-packed products, shall be observed and recorded at intervals of sufficient frequency to ensure that the vacuum is as specified in the scheduled process.

(iii) Such measurements and recordings should be made at intervals not to exceed 15 minutes.

(iv) Where the product style results in stratification or layering of the primary product in the containers, the positioning of containers in the retort shall be according to the scheduled process.

(b) *Equipment and procedures for pressure processing in water in still retorts—*(1) *Indicating mercury-in-glass thermometer.* Each retort shall be

equipped with at least one mercury-in-glass thermometer which shall have divisions that are easily readable to 1° F and whose temperature range does not exceed 17° F per inch of graduated scale. Thermometers shall be tested for accuracy against a known accurate standard thermometer upon installation and at least once a year thereafter or more frequently if necessary to ensure their accuracy.

Records of thermometer accuracy checks which specify date, standard used, method used and person performing the test should be maintained. Each thermometer should have a tag, seal, or other means of identity that includes the date when it was last tested for accuracy. A thermometer that has a divided mercury column or that cannot be adjusted to the standard shall be repaired or replaced before further use of the retort.

Thermometers shall be installed where they can be accurately and easily read. Bulbs of indicating thermometers shall be located in such a position that they are beneath the surface of the water throughout the process. On horizontal retorts this entry should be made in the side at the center, and the thermometer bulbs shall be inserted directly into the retort shell. In both vertical and horizontal retorts, the thermometer bulbs shall extend directly into the water a minimum of at least 2 inches without a separable well or sleeve. The mercury thermometer—not the recorder chart—shall be the reference instrument for indicating the processing temperature.

(2) *Temperature recording device.* There shall be an accurate temperature recording device for each still retort. Temperature recording devices shall have graduations that do not exceed 2° F within a range of 10° F of the processing temperature. Each chart shall have a working scale of not more than 55° F per inch within a range of 20° F of the processing temperature. The temperature chart shall be adjusted so as nearly as possible to agree with, but shall in no event be no higher than, the known accurate mercury-in-glass thermometer during the process time. A means of preventing unauthorized changes in adjust-

ment shall be provided. A lock, or a notice from management posted at or near the recording device which provides a warning that only authorized persons are permitted to make adjustments, are satisfactory means for preventing unauthorized changes. This recorder may be combined with the steam controller and may be a recording-controlling instrument. The recording thermometer bulb should be located adjacent to the bulb of the mercury-in-glass thermometer except in the case of a vertical retort equipped with a combination recorder-controller. In such vertical retorts the temperature recorder-control bulb shall be located at the bottom of the retort below the lowest crate rest in such a position that the steam does not strike it directly. In horizontal retorts the temperature recorder-control bulb shall be located between the water surface and the horizontal plane passing through the center of the retort so that there is no opportunity for direct steam impingement upon the control bulb. Air-operated temperature controllers should have adequate filter systems to assure a supply of clean, dry air, which should be supplied to the retort controllers from a system that is separate from the air supplied to the rest of the plant.

(3) *Pressure gages.* (i) Each retort should be equipped with a pressure gage, which should be graduated in divisions of 2 lbs. or less.

(ii) Each retort should have an adjustable pressure relief, or control valve of a capacity sufficient to prevent an undesired increase in retort pressure when the water valve is wide open and should be installed in the overflow line.

(4) *Steam controller.* Each retort shall be equipped with an automatic steam controller to maintain the retort temperature. This may be a recording-controlling instrument when combined with a recording thermometer.

(5) *Steam introduction.* The distribution of steam in the bottom of the retort shall be accomplished in a manner adequate to provide uniform heat distribution throughout the retort. In vertical retorts, uniform steam distribution can be achieved by any of several methods. In horizontal retorts, the steam distributor shall run the length of the bottom of the retort with perforations distributed uniformly along the upper part of the pipe.

(6) *Crate supports.* A bottom crate support shall be employed in vertical still retorts. Baffle plates shall not be used in the bottom of the retort. Centering guides should be installed so as to ensure that there is about a 1½-inch clearance between the side wall of the crate and the retort wall.

(7) *Stacking equipment and position of containers.* Crates, trays, gondolas, etc., for holding containers shall be made of strap iron, adequately perforated sheet metal, or other suitable material. When perforated sheet metal is used for the bottoms, the perforations should be approximately the equivalent of 1-inch holes on 2-inch centers. If

divider plates are used between the layers of containers, they should be perforated as above. The positioning of containers in the retort, when specified in the scheduled process, shall be in accordance therewith. Dividers, racks, trays or other means of positioning of flexible containers shall be designed and employed to assure even circulation of heating medium around all containers in the retort.

(8) *Drain valve.* A nonclogging, water-tight valve shall be used. Screens should be installed over all drain openings.

(9) *Water level indicator.* There shall be a means of determining the water level in the retort during operation, e.g., by using a gage water glass or petcock(s). Water shall cover the top layer of containers during the entire coming-up-time and processing periods and should cover the top layer of containers during the cooling periods. The operator shall check and record the water level at intervals sufficient to ensure its adequacy.

(10) (i) *Air supply and controls.* In both horizontal and vertical still retorts for pressure processing in water, a means shall be provided for introducing compressed air at the proper pressure and rate. The proper pressure shall be controlled by an automatic pressure control unit. A check valve shall be provided in the air supply line to prevent water from entering the system. Air or water circulation shall be maintained continuously during the coming-up-time and during processing and cooling periods; the adequacy of the air or water circulation for uniform heat distribution within the retort shall be established by a competent processing authority and records kept on file; if air is used to promote circulation, it shall be introduced into the steam line at a point between the retort and the steam control valve at the bottom of the retort.

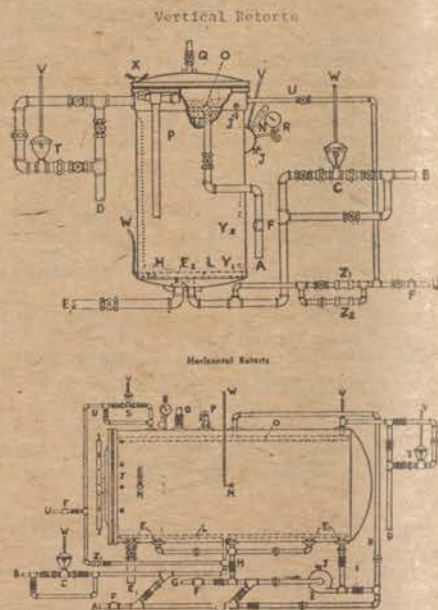
(ii) *Water circulation.* When a water circulating system is used for heat distribution, it shall be installed in such a manner that water will be drawn from the bottom of the retort through a suction manifold and discharged through a spreader which extends the length of the top of the retort. The holes in the water spreader shall be uniformly distributed and should have an aggregate area not greater than the cross section area of the outlet line from the pump. The suction outlets should be protected with nonclogging screens to keep debris from entering the circulating system. The pump shall be equipped with a pilot light or other signaling device to warn the operator when it is not running, and with a bleeder to remove air when starting operations. Alternative methods for circulation of water in the retort may be used when established as adequate for even heat distribution by a competent authority.

(11) *Cooling water supply.* In vertical retorts the cooling water should be introduced at the top of the retort between the water and container levels; in horizontal retorts the cooling water should

be introduced into the suction side of the pump. A check valve should be included in the cooling water line.

(12) *Retort headspace.* The headspace necessary to control the air pressure should be maintained between the water level and the top of the retort shell.

(13) *Vertical and horizontal still retorts.* Vertical and horizontal still retorts should follow the arrangements in the diagrams below in this paragraph. Other installation and operating procedures which deviate from these arrangements may be used, provided that the firm shall have on file heat distribution data collected by a competent processing authority which demonstrate that the heat distribution is adequate.



LEGEND FOR VERTICAL AND HORIZONTAL STILL RETORTS

- A—Water line.
- B—Steam line.
- C—Temperature control.
- D—Overflow line.
- E—Drain line.
- F—Screens.
- G—Check valves.
- H—Line from hot water storage.
- I—Suction line and manifold.
- J—Circulating pump.
- K—Petcocks.
- L—Recirculating line.
- M—Steam distributor.
- N—Temperature controller bulb.
- O—Thermometer.
- P—Water spreader.
- Q—Safety valve.
- R—Vent valve for steam processing.
- S—Pressure gage.
- T—Inlet air control.
- U—Pressure control.
- V—Air line.
- W—To pressure control instrument.
- X—To temperature control instrument.
- Y—Wing nuts.
- Z—Crate support.
- Z₁—Crate guides.
- Z₂—Constant flow orifice valve.
- Z₃—Constant flow orifice valve used during come-up.
- Z₄—Constant flow orifice valve used during cook.

(14) *Critical factors.* Critical factors specified in the scheduled process shall be measured and recorded on the processing record at intervals of sufficient frequency to ensure that the factors are within the limits specified in the scheduled process. (i) Where maximum fill in or drained weight is specified in the scheduled process, it shall be measured and recorded at intervals of sufficient frequency to ensure that the weight of the product does not exceed the maximum for the given container size specified in the scheduled process.

(ii) Closing machine vacuum (in vacuum-packed products) shall be observed and recorded at intervals of sufficient frequency to ensure that the vacuum is as specified in the scheduled process.

(iii) Such measurements and recordings should be made at intervals not to exceed 15 minutes.

(iv) Where the product style results in stratification or layering of the primary product in the containers, the positioning of containers in the retort shall be according to the scheduled process.

(c) *Equipment and procedures for pressure processing in steam in continuous agitating retorts.*—(1) *Indicating mercury-in-glass thermometer.* Each retort shall be equipped with at least one mercury-in-glass thermometer which shall have divisions that are easily readable to 1° F and whose temperature range does not exceed 17° F per inch of graduated scale. Thermometers shall be tested for accuracy against a known accurate standard thermometer upon installation and at least once a year thereafter or more frequently if necessary to ensure their accuracy. Records of thermometer accuracy checks which specify date, standard used, method used and person performing the test should be maintained. Each thermometer should have a tag, seal, or other means of identity that includes the date on which it was last tested for accuracy. A thermometer that has a divided mercury column or that cannot be adjusted to the standard shall be repaired or replaced before further use of the retort. Thermometers shall be installed where they can be accurately and easily read. Bulbs of indicating thermometers shall be installed either within the retort shell or in external wells attached to the retort. External wells or pipes shall be connected to the retort through at least a 3/4-inch diameter opening, and shall be equipped with a 1/8-inch or larger bleeder opening so located as to provide a full flow of steam past the length of the thermometer bulb.

The bleeders for external wells shall emit steam continuously during the entire processing period. The mercury thermometer—not the recorder chart—shall be the reference instrument for indicating the processing temperature.

(2) *Temperature recording device.* There shall be an accurate temperature recording device for each retort. Temperature recording devices shall have graduations that do not exceed 2° F within

a range of 10° F of the processing temperature. Each chart shall have a working scale of not more than 55° F per inch within a range of 20° F of the processing temperature. The temperature chart shall be adjusted as nearly as possible to agree with, but shall in no event be higher than, the known accurate mercury-in-glass thermometer during the process time. A means of preventing unauthorized changes in adjustment shall be provided. A lock, or a notice from management posted at or near the recording device which provides a warning that only authorized persons are permitted to make adjustments, are satisfactory means of preventing unauthorized changes. This recorder may be combined with the steam controller and may be a recording-controlling instrument. The temperature recorder bulb shall be installed either within the retort shell or in a well attached to the shell. Each temperature recorder bulb well shall have a 1/16-inch or larger bleeder opening emitting steam continuously during the processing period. Air-operated temperature controllers should have adequate filter systems to assure a supply of clean, dry air, which should be supplied to the retort controllers from a system that is separate from the air supply to the rest of the plant.

(3) *Pressure gages.* Each retort should be equipped with a pressure gage, which should be graduated in divisions of 2 pounds or less.

(4) *Steam controller.* Each retort shall be equipped with an automatic steam controller to maintain the retort temperature. This may be a recording-controlling instrument when combined with a recording thermometer. A steam controller activated by the steam pressure of the retort is acceptable if it is mechanically maintained so that it operates satisfactorily.

(5) *Bleeders.* Bleeders, except those for thermometer wells, shall be one-eighth inch or larger and shall be wide open during the entire process, including the coming-up time. Bleeders shall be located within approximately 1 foot of the intake valve and the exhaust valve; additional bleeders shall be located not more than 8 feet apart along the top of the retort. All bleeders shall be arranged in such a way that the operator can observe that they are functioning properly. The condensate bleeder shall be checked with sufficient frequency to ensure adequate removal of condensate. This should be done at intervals of not more than 15 minutes. A record of such checks should be kept to show that it is functioning properly.

(6) *Venting and condensate removal.* Vents shall be located in that portion of the retort opposite the steam inlet. Air shall be removed before processing is started. Heat distribution data, demonstrating that adequate venting is achieved, shall be kept on file. At the time steam is turned on, the drain should be opened for a time sufficient to remove steam condensate from the retort and provision shall be made for

continuing drainage of condensate during the retort operation. The condensate bleeder in the bottom of the shell serves as an indicator of continuous condensate removal.

(7) *Retort speed timing.* The rotational speed of the retort shall be specified in the scheduled process. The speed shall be adjusted and recorded when the retort is started, at any time a speed change is made, and at intervals of sufficient frequency to ensure that the retort speed is maintained as specified in the scheduled process. These adjustments and recordings should be made every 4 hours or less. Alternatively, a recording tachometer may be used to provide a continuous record of the speed. A means of preventing unauthorized speed changes on retorts shall be provided.

(8) *Emergency stops.* If a retort jams or breaks down during processing operations, necessitating cooling the retort for repairs, the retort shall either be operated as a still retort, with all containers being given a full still retort process before the retort is cooled, or the retort shall be cooled promptly and all containers shall be either reprocessed, repacked and reprocessed, or discarded. A scheduled still process to be used in such emergency shall be made readily available to the retort operator.

(i) Any containers in the retort intake valve of a continuous retort at the time of breakdown shall either be reprocessed, repacked and reprocessed, or discarded.

(ii) Both the time at which the reel stopped and the time the retort was used for a still retort process, if so used, shall be marked on the recording chart and entered on the other production records required in this chapter. If the alternative procedure of prompt cooling is followed, the subsequent handling methods used for the containers in the retort at the time of stopping and cooling shall be entered on the production records.

(iii) A complete record of handling all such emergencies shall be made a part of a process deviation file as required under § 128b.9.

(9) *Temperature drop.* If the temperature of the continuous retort drops below the temperature specified in the scheduled process while containers are in the retort, the retort reel shall be stopped promptly. An automatic device should be used to stop the reel when the temperature drops below the specified process temperature. Before the reel is restarted, all containers in the retort shall be given a complete scheduled still retort process if the temperature drop was 10° F or more below the specified temperature, or alternatively, container entry to the retort shall be stopped and the reel shall be restarted to empty the retort. The discharged containers shall be either reprocessed, repacked and reprocessed, or discarded. Both the time at which the reel stopped and the time the retort was used for a still retort process, if so used, shall be marked on the recording chart and entered on the other production records required in this chapter.

ter. If the alternative procedure of emptying the retort is followed, the subsequent handling methods used for the containers in the retort at the time of the temperature drop shall be entered on the production records. If the temperature drop was less than 10° F, a scheduled authorized emergency still process approved by a qualified person(s) having expert knowledge of thermal processing requirements may be used before re-starting the retort reel. Alternatively, container entry to the retort shall be stopped and an authorized emergency agitating process may be used before container entry to the retort is restarted. When emergency procedures are utilized, no containers shall enter the retort and the process and procedures used shall be noted on the production records.

(10) *Critical factors.* Critical factors specified in the scheduled process shall be measured and recorded on the processing record at intervals of sufficient frequency to ensure that the factors are within the limits specified in the scheduled process. The minimum headspace of containers, if specified in the scheduled process, shall be measured and recorded at intervals of sufficient frequency to ensure that the headspace is as specified in the scheduled process. The headspace of solder-tipped, lap seam (vent hole) cans may be measured by net weight determinations. Where the product consistency is specified in the scheduled process, the consistency of the product shall be determined by objective measurements on the product taken from the filler before processing and recorded at intervals of sufficient frequency to insure that the consistency is as specified in the scheduled process. Minimum closing machine vacuum (in vacuum-packed products), maximum fill in or drained weight, minimum net weight, and percent solids shall be as specified in the scheduled process for all products where deviations from such specifications may affect the scheduled process. All measurements and recordings of critical factors should be made at intervals not to exceed 15 minutes.

(d) *Equipment and procedures for pressure processing in steam in discontinuous agitating retorts—(1) Indicating mercury-in-glass thermometer.* Each retort shall be equipped with at least one mercury-in-glass thermometer which shall have divisions that are easily readable to 1° F and whose temperature range does not exceed 17° F per inch of graduated scale. Thermometers shall be tested for accuracy against a known accurate standard thermometer upon installation and at least once a year thereafter or more frequently if necessary to ensure their accuracy. Records of thermometer accuracy checks which specify date, standard used, method used and person performing the test should be maintained. Each thermometer should have a tag, seal, or other means of identity that includes the date on which it was last tested for accuracy. A thermometer that has a divided mercury column or that cannot be adjusted to the stand-

ard shall be repaired or replaced before further use of the retort. Thermometers shall be installed where they can be accurately and easily read. Bulbs of indicating thermometers shall be installed either within the retort shell or in external wells attached to the retort. External wells or pipes shall be connected to the retort through at least a 3/4-inch-diameter opening, and shall be equipped with a 1/8-inch or larger bleeder opening so located as to provide a full flow of steam past the length of the thermometer bulb. The bleeder for external wells shall emit steam continuously during the entire processing period. The mercury thermometer—not the recorder chart—shall be the reference instrument for indicating the processing temperature.

(2) *Temperature recording device.* There shall be an accurate temperature recording device for each retort. Temperature recording devices shall have graduations that do not exceed 2° F within a range of 10° F of the processing temperature. Each chart shall have a working scale of not more than 55° F per inch within a range of 20° F of the processing temperature. The temperature chart shall be adjusted as nearly as possible to agree with, but shall in no event be higher than, the known accurate mercury-in-glass thermometer during the process time. A means of preventing unauthorized changes in adjustment shall be provided. A lock, or a notice from management posted at or near the recording device which provides a warning that only authorized persons are permitted to make adjustments, are satisfactory means for preventing unauthorized changes. The recorder may be combined with the steam controller and may be a recording-controlling instrument. The temperature recorder bulb shall be installed either within the retort shell or in a well attached to the shell. Each temperature recorder bulb well shall have a 1/8-inch or larger bleeder opening emitting steam continuously during the processing period. Air-operated temperature controllers should have adequate filter systems to assure a supply of clean, dry air, which should be supplied to the retort controllers from a system that is separate from the air supplied to the rest of the plant.

(3) *Pressure gages.* Each retort should be equipped with a pressure gage, which should be graduated in divisions of 2 pounds or less.

(4) *Steam controller.* Each retort shall be equipped with an automatic steam controller to maintain the retort temperature. This may be a recording-controlling instrument when combined with a recording thermometer. A steam controller activated by the steam pressure of the retort is acceptable if it is mechanically maintained so that it operates satisfactorily.

(5) *Bleeders.* Bleeders, except those for thermometer wells, shall be one-eighth inch or larger and shall be wide open during the entire process, including the coming-up-time. Bleeders shall

be located within approximately 1 foot of each end of the shell of the retort; bleeders may be more than 1 foot from the end of the shell of the retort provided that there is evidence in the form of heat distribution data that they accomplish adequate venting of air; additional bleeders shall be located not more than 8 feet apart along the top of the retort. In retorts having top steam inlet and bottom venting, a bleeder shall be installed in the bottom of the retort to ensure removal of condensate. All bleeders shall be arranged in such a way that the operator can observe that they are functioning properly.

(6) *Venting and condensate removal.* The air in each retort shall be removed before processing is started. Heat distribution data which demonstrates that adequate venting is achieved shall be kept on file. At the time steam is turned on, the drain should be opened for a time sufficient to remove steam condensate from the retort and provision should be made for continuing drainage of condensate during the retort operation.

(7) *Retort speed timing.* The rotational speed of the retort shall be specified in the scheduled process. The rotational speed shall be adjusted, as necessary, to ensure that the speed is as specified in the scheduled process. The rotational speed as well as the process time shall be recorded for each retort load processed. Alternatively, a recording tachometer may be used to provide a continuous record of the speed. A means of preventing unauthorized speed changes on retorts shall be provided.

(8) *Critical factors.* Critical factors specified in the scheduled process shall be measured and recorded on the processing record at intervals of sufficient frequency to ensure that the factors are within the limits specified in the scheduled process. The minimum headspace of containers in each retort load to be processed, if specified in the scheduled process, shall be measured and recorded at intervals of sufficient frequency to ensure that the headspace is as specified in the scheduled process. The headspace of solder-tipped, lap seam (vent hole) cans may be measured by net weight determinations. Where the product consistency is specified in the scheduled process the consistency of the product shall be determined by objective measurements on the product taken from the filler before processing and recorded at intervals of sufficient frequency to ensure that the consistency is as specified in the scheduled process. Minimum closing machine vacuum (in vacuum-packed products), maximum fill in or drained weight, minimum net weight, and percent solids shall be as specified in the scheduled process for all products where deviations from such specifications may affect the scheduled process. All measurements and recordings of critical factors should be made at intervals not to exceed 15 minutes.

(e) *Equipment and procedures for pressure processing in water in discontinuous agitating retorts—(1) Indicating*

mercury-in-glass thermometer. Each retort shall be equipped with at least one mercury-in-glass thermometer which shall have divisions that are easily readable to 1° F and whose temperature range does not exceed 17° F per inch of graduated scale. Thermometers shall be tested for accuracy against a known accurate standard thermometer upon installation and at least once a year thereafter, or more frequently if necessary to ensure their accuracy. Records of thermometer accuracy checks which specify date, standard used, method used and person performing the test should be maintained. Each thermometer should have a tag, seal, or other means of identity that includes the date on which it was last tested for accuracy. A thermometer that has a divided mercury column or that cannot be adjusted to the standard shall be repaired or replaced before further use of the retort. Thermometers shall be installed where they can be accurately and easily read. Bulbs of indicating thermometers shall be installed either within the retort shell or in external wells attached to the retort. The mercury thermometer—not the recorder chart—shall be the reference instrument for indicating the processing temperature.

(2) *Temperature recording device.* There shall be an accurate temperature recording device for each retort. Temperature recording devices shall have graduations that do not exceed 2° F within a range of 10° F of the processing temperature. Each chart shall have a working scale of not more than 55° F per inch within a range of 20° F of the processing temperature. The temperature chart shall be adjusted as nearly as possible to agree with, but shall in no event be higher than, the known accurate mercury-in-glass thermometer during the process time. A means of preventing unauthorized changes in adjustment shall be provided. A lock, or a notice from management posted at or near the recording device which provides a warning that only authorized persons are permitted to make adjustments, are satisfactory means for preventing unauthorized changes. This recorder may be combined with the steam controller and may be a recording-controlling instrument. The temperature recorder bulb shall be installed either within the retort shell or in a well attached to the shell. Air-operated temperature controllers should have adequate filter systems to assure a supply of clean dry air, which should be supplied to the retort controllers from a system that is separate from the air supply to the rest of the plant.

(3) *Pressure gages.* Each retort should be equipped with a pressure gage which should be graduated in divisions of 2 pounds or less.

(4) *Steam controller.* Each retort shall be equipped with an automatic steam controller to maintain the retort temperature. This may be a recording-controlling instrument when combined with a recording thermometer.

(5) *Retort speed timing.* The rotational speed of the retort shall be speci-

fied in the scheduled process. The rotational speed shall be adjusted, as necessary, to ensure that the speed is as specified in the scheduled process. The rotational speed as well as the process time shall be recorded for each retort load processed. Alternatively, a recording tachometer may be used to provide a continuous record of the speed. A means of preventing unauthorized speed changes shall be provided.

(6) *Air supply and controls.* Means shall be provided for introducing compressed air at the proper pressure and rate, which shall be controlled by an automatic pressure control unit. A check valve shall be provided in the air supply line to prevent water from entering the system.

(7) *Critical factors.* Critical factors specified in the scheduled process shall be measured and recorded on the processing record at intervals of sufficient frequency to ensure that the factors are within the limits specified in the scheduled process. The minimum headspace of containers in each retort load to be processed, if specified in the scheduled process, shall be measured and recorded at intervals of sufficient frequency to ensure that the headspace is as specified in the scheduled process. The headspace of solder-tipped, lap seam (vent hole) cans may be measured by net weight determinations. Where the product consistency is specified in the scheduled process the consistency of the product shall be determined by objective measurements on the product taken from the filler before processing and recorded at intervals of sufficient frequency to ensure that the consistency is as specified in the scheduled process. Minimum closing machine vacuum (in vacuum-packed products), maximum fill in or drained weight, minimum net weight, and percent solids shall be as specified in the scheduled process for all products where deviations from such specifications may affect the scheduled process. All measurements and recordings of critical factors should be made at intervals not to exceed 15 minutes.

(f) *Equipment and procedures for pressure processing in steam in hydrostatic retorts—(1) Indicating mercury-in-glass thermometer.* Each retort shall be equipped with at least one mercury-in-glass thermometer which shall have divisions that are easily readable to 1° F and whose temperature range does not exceed 17° F per inch of graduated scale. Thermometers shall be tested for accuracy against a known accurate standard thermometer upon installation and at least once a year thereafter or more frequently if necessary to ensure their accuracy. Records of thermometer accuracy checks which specify date, standard used, method used and person performing the test should be maintained. Each thermometer should have a tag, seal, or other means of identity that includes the date on which it was last tested for accuracy. A thermometer that has a divided mercury column or that cannot be adjusted to the standard shall be repaired or replaced before further use of the re-

tort. Thermometers shall be installed where they can be accurately and easily read. The thermometer shall be located in the steam dome near the steam-water interface. Where the scheduled process specifies maintenance of particular temperatures in the hydrostatic water legs, a mercury-in-glass thermometer shall be located in each hydrostatic water leg in a position near the bottom automatic recorder. The mercury thermometer—not the recorder chart—shall be the reference instrument for indicating the processing temperature.

(2) *Temperature recording device.* There shall be an accurate temperature recording device for each retort. Temperature recording devices shall have graduations that do not exceed 2° F within a range of 10° F of the processing temperature. Each chart shall have a working scale of not more than 55° F per inch within a range of 20° F of the processing temperature. The temperature chart shall be adjusted as nearly as possible to agree with, but shall in no event be no higher than, the known accurate mercury-in-glass thermometer during the process time. A means of preventing unauthorized changes in adjustment shall be provided. A lock or a notice from management posted at or near the recording device which provides a warning that only authorized persons are permitted to make adjustments are satisfactory means for preventing unauthorized changes. The recorder may be combined with the steam controller and may be a recording-controlling instrument. The temperature recorder bulb shall be installed either within the steam dome or in a well attached to the dome. Temperature recorder bulb wells shall have a 1/8-inch or larger bleeder opening emitting steam continuously during the entire processing period. Additional temperature recorder bulbs shall be installed in the hydrostatic water legs if the scheduled process specifies maintenance of particular temperatures in the hydrostatic water legs. Air-operated temperature controllers should have adequate filter systems to assure a supply of clean dry air, which should be supplied to the retort controllers from a system that is separate from the air supply to the rest of the plant.

(3) *Pressure gages.* Each retort should be equipped with a pressure gage which should be graduated in divisions of 2 pounds or less.

(4) *Recording of temperatures.* Temperatures indicated by the mercury-in-glass thermometer or thermometers shall be entered on a suitable form during processing operations. Temperatures shall be recorded by an accurate automatic recorder or recorders at the following points:

(i) In the steam chamber between the steam-water interface and the lowest container position.

(ii) Near the top and the bottom of each hydrostatic water leg if the scheduled process specifies maintenance of particular temperatures in the legs.

(5) *Steam controller.* Each retort shall be equipped with an automatic steam controller to maintain the retort temperature. This may be a recording-controlling instrument when combined with a recording thermometer. A steam controller activated by the steam pressure of the retort is acceptable if it is mechanically maintained so that it operates satisfactorily.

(6) *Venting.* Before the start of processing operations, the retort steam chamber or chambers shall be vented to ensure removal of air.

(7) *Bleeders.* Bleeder openings ($\frac{1}{4}$ inch or larger shall be located at the end of the steam chamber or chambers opposite from the point of steam entry. Bleeders shall be wide open and shall emit steam continuously during the entire process, including the coming-up-time. All bleeders shall be arranged in such a way that the operator can observe that they are functioning properly.

(8) *Retort speed.* The speed of the container conveyor chain shall be specified in the scheduled process and shall be determined and recorded at the start of processing and at intervals of sufficient frequency to ensure that the retort speed is maintained as specified. The speed should be determined and recorded every 4 hours. An automatic device should be used to stop the chain when the temperature drops below that specified in the scheduled process. A means of preventing unauthorized speed changes shall be provided.

(9) *Critical factors.* Critical factors specified in the scheduled process shall be measured and recorded on the processing record at intervals of sufficient frequency to ensure that the factors are within the limits specified in the scheduled process.

(i) Where maximum fill in or drained weight is specified in the scheduled process, it shall be measured and recorded at intervals of sufficient frequency to ensure that the weight of the product does not exceed the maximum for the given container size specified in the scheduled process.

(ii) Minimum closing machine vacuum (in vacuum-packed products) shall be observed and recorded at intervals of sufficient frequency to ensure that the vacuum is as specified in the scheduled process.

(iii) Such measurements and recordings should be made at intervals not to exceed 15 minutes.

(g) *Aseptic processing and packaging systems—(1) Product sterilizer—(i) Equipment—(a) Temperature indicating device.* Each product sterilizer shall be equipped with at least one mercury-in-glass thermometer or an equivalent temperature-indicating device, such as a thermocouple-recorder. Mercury-in-glass thermometers shall have divisions that are easily readable to 1°F and whose temperature range does not exceed 17°F per inch of graduated scale. Thermometers and temperature indicating devices shall be tested for accuracy against a known accurate standard thermometer

upon installation and at least once a month thereafter or more frequently if necessary to ensure their accuracy. Records of accuracy checks which specify date, standard used, method used and person performing the test should be maintained. Each thermometer and temperature indicating device should have a tag, seal, or other means of identity that includes the date on which it was last tested for accuracy. A thermometer that has a divided mercury column or that cannot be adjusted to essential agreement with the standard shall be repaired or replaced. Thermometers and temperature indicating devices shall be installed where they can be accurately and easily read. The temperature indicating device shall be the reference instrument for indicating the processing temperature.

(b) *Temperature recording device.* There shall be an accurate temperature recording device on each product pre-sterilizer. The temperature sensor shall be located in the presterilized product at the holding tube outlet between the holding tube and the inlet of the cooler. The device shall be installed in the product at the holding tube outlet between the holding tube and the inlet to the cooler. Temperature recording devices shall have graduations that do not exceed 2°F within a range of 10°F of the processing temperature. Each chart shall have a working scale of not more than 55°F per inch within a range of 20°F of the desired product sterilization temperature. The temperature chart shall be adjusted as nearly as possible to agree with, but shall in no event be higher than, a known accurate mercury-in-glass thermometer. A means of preventing unauthorized changes in adjustment shall be provided. A lock or a notice from management posted at or near the recording device which provides a warning that only authorized persons are permitted to make adjustments, are satisfactory means for preventing unauthorized changes.

(c) *Temperature recorder-controller.* An accurate temperature recorder-controller shall be located in the product sterilizer at the final heater outlet. It shall be capable of assuring that the desired product sterilization temperature is maintained. The chart graduations shall not exceed 2°F within a range of 10°F of the desired product sterilization temperature. Air-operated temperature controllers should have adequate filter systems to assure a supply of clean, dry air. The air should be applied to the retort controllers from a system that is separate from the rest of the plant.

(d) *Product-to-product regenerators.* Where a product-to-product regenerator is used to heat the cold unsterilized product entering the sterilizer by means of a heat exchange system, it shall be designed, operated, and controlled so that the pressure of the sterilized product in the regenerator is greater than the pressure of any unsterilized product in the regenerator to ensure that any leakage in the regenerator will be from the steri-

lized product into the unsterilized product.

(e) *Differential pressure recorder-controller.* Where a product-to-product regenerator is used, there shall be an accurate differential pressure recorder-controller installed on the regenerator. The scale divisions shall not exceed 2 pounds per square inch on a working scale of not more than 20 pounds per square inch per inch. The controller shall be tested for accuracy against a known accurate standard pressure indicator upon installation and at least once every 3 months of operation thereafter or more frequently if necessary to ensure its accuracy. One pressure sensor shall be installed at the sterilized product regenerator outlet, and the other pressure sensor shall be installed at the unsterilized product regenerator inlet.

(f) *Metering pump.* A metering pump shall be located upstream from the holding tube and shall be operated to maintain the required rate of product flow. A means of preventing unauthorized speed changes shall be provided.

(g) *Product holding tube.* The product sterilizing holding tube shall be designed to give continuous holding of every particle of food for at least the minimum holding time specified in the scheduled process. The holding tube shall be designed so that no portion of the tube between the product inlet and the product outlet can be heated, and it shall be sloped upward at least 0.25 inch per foot.

(h) *Flow diversion valve.* A flow diversion valve shall be installed between the cooler and filler and the system controlled so as to divert product flow away from the filler whenever the temperature of the product in the holding tube falls below the sterilization temperature specified in the scheduled process, except that a flow diversion valve need not be installed when products with discrete particles are being processed.

(ii) *Operation—(a) Startup.* Prior to the start of aseptic processing operations, the product sterilizer shall be brought to a condition of commercial sterility.

(b) *Temperature drop in product sterilizing holding tube.* When product temperature in the holding tube drops below the temperature specified in the scheduled process, the product holding tube and any further system portions affected shall be returned to a condition of commercial sterility before flow is resumed to the filler.

(c) *Loss of proper pressures in the regenerator.* Where a regenerator is used the product may lose sterility whenever the pressure of sterilized product in the regenerator is less than 1 pound per square inch greater than the pressure of unsterilized product in the regenerator. Product flow to the filler shall not be resumed until the cause of the improper pressure relationships in the regenerator has been corrected and the affected system(s) has been returned to a condition of commercial sterility.

(d) *Records.* Readings at the following points shall be observed and recorded

at the start of aseptic packaging operations and at intervals of sufficient frequency to ensure that these values are as specified in the scheduled process: Temperature indicating device in holding tube outlet; temperature recorder in holding tube outlet; temperature recorder-controller at final heater outlet; differential pressure recorder-controller, if a product-to-product regenerator is used; and product flow rate as established by the metering pump or as determined by filling and closing rates. Such measurements and recordings should be made at intervals not to exceed 1 hour.

(2) *Container sterilizing, filling, and closing operation*—(i) *Equipment*—(a) *Recording device*. The container and closure sterilization system and product filling and closing system shall be instrumented to demonstrate that the required sterilization is being accomplished continuously. Automatic recording devices shall be used to record, where applicable, the sterilization media flow rates or temperatures or both. Where a batch system is used for container sterilization, the sterilization conditions shall be recorded.

(b) *Timing method(s)*. A method(s) shall be used either to give the retention time of containers, and closures if applicable, in the sterilizing environment specified in the scheduled process, or to control the sterilization cycle at the rate specified in the scheduled process. A means of preventing unauthorized speed changes shall be provided.

(ii) *Operation*—(a) *Startup*. Prior to the start of packaging operations, both the container and closure sterilizing system and the product filling and closing system shall be brought to a condition of commercial sterility.

(b) *Loss of sterility*. In the event of loss of sterility, the system(s) shall be returned to a condition of commercial sterility before resuming packaging operations.

(c) *Records*. Observations and measurements of operating conditions shall be made and recorded at intervals of sufficient frequency to ensure that commercial sterility of the food product is being achieved; such measurements shall include the sterilization media flow rates and/or temperatures, the container and closure rates (if applicable) through the sterilizing system, and the sterilization conditions if a batch system is used for container sterilization. The measurements and recordings should be made at intervals not to exceed 1 hour.

(3) *Incubation*. Incubation tests should be conducted on a representative sample of containers of product from each code; records of the tests should be maintained.

(4) *Critical factors*. When a critical factor is specified in the scheduled process, it shall be measured and recorded on the processing record at intervals of sufficient frequency to ensure that the factor is within the limits specified in the scheduled process. Such measurements and recordings should be done at intervals not to exceed 15 minutes.

(h) *Equipment and procedures for flame sterilizers*. The container conveyor speed shall be specified in the scheduled process. The container conveyor speed shall be measured and recorded at the start of operations and at intervals of sufficient frequency to ensure that the conveyor speed is as specified in the scheduled process. Such measurements and recordings should be done at 1-hour intervals. Alternatively, a recording tachometer may be used to provide a continuous record of the speed. A means of preventing changes in flame intensity and unauthorized speed changes on the conveyor shall be provided. The surface temperature of at least one container from each conveyor channel shall be measured and recorded at the entry and at the end of the holding period at intervals of sufficient frequency to ensure that the temperatures specified in the scheduled process are maintained. Such measurements and recordings should be done at intervals not to exceed 15 minutes.

(1) *Process interruption*. In the event of process interruption wherein the temperature of the product may have dropped, an authorized, scheduled emergency plan approved by a qualified person having expert knowledge of the process requirements may be used.

(2) *Critical factors*. When a critical factor is specified in the scheduled process, it shall be measured and recorded on the processing record at intervals of sufficient frequency to ensure that the factor is within the limits specified in the scheduled process.

(i) *Equipment and procedures for thermal processing of foods wherein critical factors such as water activity are used in conjunction with thermal processing*. The methods and controls used for the manufacture, processing, and packing of such foods shall be as established in the scheduled process and shall be operated or administered in a manner adequate to ensure that the product is safe. The time and temperature of processing and other critical factors specified in the scheduled process shall be measured with instruments having the accuracy and dependability adequate to assure that the requirements of the scheduled process are met. All measurements shall be made and recorded at intervals of sufficient frequency to ensure that the critical factors are within the limits specified in the scheduled process.

(j) *Other systems*. All systems, whether or not specifically mentioned in this part, for the thermal processing of low-acid foods in hermetically sealed containers shall conform to the applicable requirements of this part and the methods and controls used for the manufacture, processing and packing of such foods shall be as established in the scheduled process and shall be operated or administered in a manner adequate to ensure that commercial sterility is achieved. Critical factors specified in the scheduled process shall be measured and recorded at intervals of sufficient frequency to ensure

that the critical factors are within the limits specified in the scheduled process.

(k) *Alternative processing and control systems*. In addition to the procedures prescribed above, systems and equipment which deviate from the specifications of this section may be used with the express written approval of the Food and Drug Administration.

§ 128b.7 Containers.

(a) *Closures*. Regular observations shall be maintained during production runs for gross closure defects. Any such defects shall be recorded and corrective action taken and recorded. At intervals of sufficient frequency to ensure proper closure, the operator, closure supervisor, or other qualified container closure inspection person shall visually examine either the top seam of a can randomly selected from each seaming head or the closure of any other type of container being used and shall record his observations. For double-seam cans, each can should be examined for cut-over or sharpness, skidding or dead-heading, false seam, droop at the cross-over or lap, and condition of inside of countersink wall for evidence of broken chuck. Such measurements and recordings should be made at intervals not to exceed 30 minutes. Additional visual closure inspections shall be made immediately following a jam in a closure machine, after closing machine adjustment, or after startup of a machine following a prolonged shutdown. All pertinent observations shall be recorded. Where irregularities are found, the corrective action shall be recorded.

(1) *Teardown examinations for double seam cans* shall be performed by a qualified individual and the results therefrom shall be recorded at intervals of sufficient frequency on enough containers from each seaming station to ensure maintenance of seam integrity. Such examinations and recordings should be made at intervals not to exceed 4 hours. The results of the teardown examinations shall be recorded and the corrective action taken, if any, shall be noted.

(i) *Required and optional can seam measurements*:

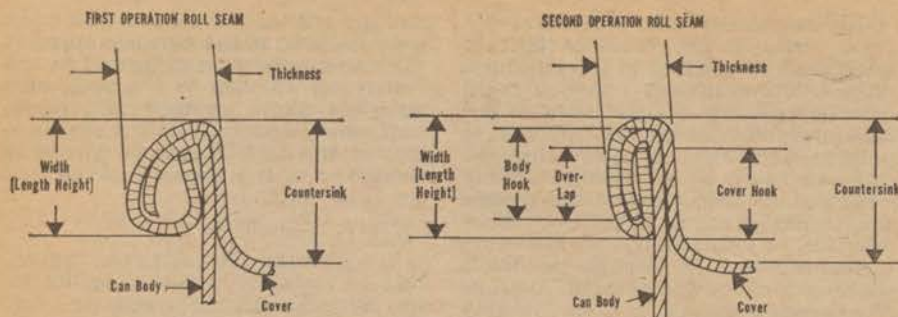
(a) *Micrometer measurement system*:

Required	Optional
Cover hook.	Overlap (by calculation).
Body hook.	Countersink.
Width (length, height).	
Tightness (observation for wrinkle).	
Thickness.	

(b) *Seam scope or projector*:

Required	Optional
Body hook.	Width (length, height).
Overlap.	Cover hook.
Tightness (observation for wrinkle).	Countersink.
Thickness.	

(c) *Can double seam terminology*:



(1) *Cross-over*: The portion of a double seam at the lap.

(2) *Cut-over*: Sharp bend or break in the metal at the tip of the countersink.

(3) *Dead-head*: A seam which is incomplete due to chuck spinning in the countersink.

(4) *Droop*: Smooth projection of double seam below bottom of normal seam.

(5) *False seam*: A small seam breakdown where the cover hook and the body hook are not overlapped.

(6) *Lap*: Two thicknesses of material bonded together.

(i) Two measurements at different locations, excluding the side seam, shall be made for each double seam characteristic if a seam scope or seam projector is used. When a micrometer is used, three measurements shall be made at points approximately 120° apart, excluding the side seam.

(ii) Overlap length can be calculated by the following formula:

The theoretical overlap length =
 $CH + BH + T - W$ where
 CH = cover hook
 BH = body hook
 T = cover thickness, and
 W = seam width (height, length)

(2) For glass containers with vacuum closures, capper efficiency shall be checked by a measurement of the cold water vacuum. This shall be done prior to actual filling operations, and the results shall be recorded.

(3) For closures other than double seams and glass containers, appropriate detailed inspections and tests shall be conducted by qualified personnel at intervals of sufficient frequency to ensure proper closing machine performance and consistently reliable hermetic seal production. Records of such tests shall be maintained.

(b) *Cooling water*. Container cooling water shall be chlorinated as necessary for cooling canals and for recirculated water supplies so that there is a measurable free chlorine residual at the water discharge point of the container cooler. Other safe chemical or physical treatment which is equivalent to chlorination in its bactericidal effect may be used.

(c) *Coding*. Each hermetically sealed container of low-acid processed food shall be marked with an identifying code which shall be permanently visible to the naked eye. Where the container does not permit the code to be embossed or inked, the label may be legibly perforated or otherwise marked, provided that the

label is securely affixed to the product container. The required identification shall identify in code the establishment where packed, the product contained therein, the year packed, the day packed, and the period during which packed. The packing period code shall be changed with sufficient frequency to enable ready identification of lots during their sale and distribution. Codes may be changed on the basis of one of the following: Intervals of 4 to 5 hours; personnel shift changes; or batches, provided the containers comprising such batch do not extend over a period of more than one personnel shift.

(d) *Postprocess handling*. Where cans are handled on belt conveyors, such conveyors should be so constructed as to minimize contact by the belt with the double seam, i.e., cans should not be rolled on the double seam. All worn and frayed belting, can retarders, cushions, etc. should be replaced with new non-porous material. All tracks and belts which come into contact with the can seams should be thoroughly scrubbed and sanitized at intervals of sufficient frequency to avoid product contamination. Automatic equipment used in handling filled containers should be so designed and operated in such a manner as to preserve the can seam or other container closure integrity.

§ 128b.3 Processing and production records.

(a) Processing and production information shall be entered at the time it is observed by the retort or processing system operator, or other designated person, on forms which shall include the product, the code number, the date, the retort or processing system number, the size of container, the approximate number of containers per coding interval, the initial temperature, the actual processing time, the mercury-in-glass and recording thermometer readings, and other appropriate processing data. Closing machine vacuum (in vacuum-packed products), maximum fill in or drained weight, or other critical factors specified in the scheduled process shall also be recorded. In addition, the following records shall be maintained:

(1) *Still retorts*. Time steam on; time temperature up to processing temperature; time steam off; venting time and temperature to which vented.

(2) *Agitating retorts*. Functioning of condensate bleeder; retort speed; and,

where specified in the scheduled process, headspace, consistency, maximum drained weight, minimum net weight, and percent solids.

(3) *Hydrostatic retorts*. The temperature in the steam chamber between the steam-water interface and the lowest container position; speed of the container conveyor chain; and, where the scheduled process specifies maintenance of particular temperatures in the hydrostatic water legs, the temperatures near the top and the bottom of each hydrostatic water leg.

(4) *Aseptic processing and packaging systems*. Product temperature in the holding tube outlet as indicated by the temperature indicating device and the temperature recorder; product temperature in the final heater outlet as indicated by the temperature recorder-controller; differential pressure as indicated by the differential pressure recorder-controller, if a product-to-product regenerator is used; product flow rate, as determined by the metering pump or by filling and closing rates; sterilization media flow rate or temperature or both; retention time of containers, and closures where applicable, in the sterilizing environment; and, where a batch system is used for container and/or closure sterilization, sterilization cycle times and temperatures.

(5) *Flame sterilizers*. Container conveyor speed; surface temperature at the beginning and at the end of the holding period; nature of container.

(6) *Foods wherein critical factors such as water activity are used in conjunction with thermal processing*. Product formulation, scheduled processes used including the thermal process, critical factors are results of a_w determinations.

(7) *Other and alternate systems*. Critical factors specified in the formulation of the product or in the scheduled process.

(b) Recording thermometer charts shall be identified by date, retort number and other data as necessary, so they can be correlated with the written record of lots processed. Each entry on the processing and production records shall be made by the retort or processing system operator, or other designated person, at the time the specific retort or processing system condition or operation occurs, and such retort or processing system operator or other designated person shall sign or initial each record form. Not later than 1 working day after the actual process, and prior to shipment or release for distribution, a representative of plant management who is qualified by suitable training or experience shall review all processing and production records for completeness and to ensure that the product received the scheduled process. The records, including the recording thermometer chart(s), shall be signed or initialed and dated by the reviewer.

(c) Written records of all container closure examinations shall specify the product code, the date and time of container closure inspections, the measurements obtained, and all corrective ac-

tions taken. Records shall be signed or initialed by the container closure inspector and reviewed by management with sufficient frequency to assure that the containers are hermetically sealed.

(d) Records shall be maintained to identify the initial distribution of the finished product to facilitate, when necessary, the segregation of specific food lots that may have become contaminated or otherwise rendered unfit for their intended use.

(e) Copies of all records provided for in this part, except those required under § 128b.4 establishing scheduled processes, shall be retained at the processing plant for a period of not less than 1 year, and at the processing plant or other reasonably accessible location for an additional 2 years. If, during the first year of the 3-year record retention period, the processing plant is closed for a prolonged period between seasonal packs, the records may be transferred to some other reasonably accessible location at the end of the seasonal pack.

§ 128b.9 Deviations in processing, venting, or control of critical factors.

Whenever any process is less than the scheduled process for any low-acid food or container system as disclosed from records by processor check or otherwise, the commercial processor of such low-acid food shall either fully reprocess that portion of the production involved, keeping full records of the reprocessing conditions or, alternatively, shall set aside that portion of the product involved for further evaluation as to any potential public health significance. Such evaluation shall be made by a competent processing authority and shall be in accordance with procedures recognized by competent processing authorities as being adequate to detect any potential hazard to public health. Unless such evaluation demonstrates that the product had been given a thermal process that rendered it free of microorganisms of potential public health significance, the product set aside either shall be fully reprocessed to render it commercially sterile or destroyed. A record shall be made of the evaluation procedures used and the results. Either upon completion of full reprocessing and the attainment of commercial sterility or after the determination that no significant potential for public health hazard exists, that portion of the product involved may be shipped in normal distribution. Otherwise, the portion of the product involved shall be destroyed. All process deviations involving a failure to satisfy the minimum requirements of the scheduled process shall be recorded and made the subject of a separate file detailing those deviations and the actions taken.

§ 128b.10 Personnel.

The operators of processing systems, retorts, aseptic processing and packaging systems and product formulating systems (including systems wherein water activity is used in conjunction with thermal processing) and container closure inspectors shall be under the operating

supervision of a person who has attended a school approved by the Commissioner for giving instruction appropriate to the preservation technology involved and who has been identified by that school as having satisfactorily completed the prescribed course of instruction. This person shall supervise only in those areas for which a school approved by the Commissioner identifies him as having satisfactorily completed training.

Interested persons may, on or before September 21, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 2, 1976.

SHERWIN GARDNER,
Deputy Commissioner of
Food and Drugs.

[FR Doc. 76-21109 Filed 7-22-76; 8:45 am]

[21 CFR Part 128g]

[Docket No. 75P-0334]

PICKLED, FERMENTED, AND ACIDIFIED FOODS

Good Manufacturing Practice

The Food and Drug Administration (FDA) proposes to establish a current good manufacturing practice regulation for pickled, fermented, and acidified foods that will provide processors of these foods with guidelines for the preparation of products that are free of adulteration and safe for human consumption. Interested parties have until September 21, 1976 to submit comments.

After consideration of all comments received in response to this proposal, a final regulation will be published in the FEDERAL REGISTER. The Commissioner proposes that the final regulation be effective 60 days after the date of publication.

The Pickle Packers International (PPI), Oak Park, IL 60174, an international trade association of pickle manufacturers, salters, and packers, has submitted a petition to establish a current good manufacturing practice regulation for the pickle industry. This petition is on display at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

FDA has reviewed this petition, has evaluated the conditions under which pickles and related products are manufactured and packaged for human consumption, and has decided to publish its own proposal for public comment. Because some products are prepared under insanitary conditions and under conditions that may endanger public health additional regulation is needed. Both the FDA and the PPI seek to improve the

practices of the industry to ensure that all of these products are manufactured under sanitary conditions and are safe and wholesome.

During the years 1953 through 1958, FDA surveyed 49 pickle processing plants to assess sanitation and acceptability of processing practices. The methods for processing pickles that were used during the survey were about the same then as now. This survey covered 34 specific items in the processing of pickles. The most common problem in all areas inspected was the presence of insects. After completing the survey, FDA submitted appropriate recommendations for the control of insects and for improved sanitary practices for pickle fermentation tanks to the National Pickle Packers Association (now Pickle Packers International) for inclusion in their revised "Code of Sanitation" dated June 1, 1959. This code, which is still available to the industry, contains a sanitary code for pickle plant premises, including: control of rodents and insects; standards for equipment, manufacturing practices, methods of analysis, personnel, and maintenance; and sanitation of tank yards and salting stations.

The most critical factor in controlling growth of *Clostridium botulinum*, the primary public health problem in pickled, fermented, and acidified foods, as well as other types of pathogenic microorganisms in pickled and acidified food products, is pH. Therefore, it is most important that a "safe pH" be achieved and maintained. The petition from the PPI defines a "safe pH" as 4.7 or less. The Commissioner of Food and Drugs believes that a "safe pH" is 4.6 or less. In § 128b.1(m) (21 CFR 128b.1(m)), dealing with thermally-processed low-acid foods packaged in hermetically sealed containers, a pH value of 4.6 or less is listed as the breakpoint between a low-acid and acid food. This breakpoint pH value is based on available scientific information on conditions under which bacteria of public health significance cannot grow or produce toxins. The PPI did not furnish supporting data or justify their belief that a maximum pH value of 4.7 is adequate for pickle products. The Commissioner invites comments and supporting data on this point.

A number of articles have been published concerning acidity and the growth of *C. botulinum*. Several references concern the acidification of pimientos, a normally low-acid food that is acidified to permit safe processing at a low temperature in order to make canned pimientos acceptable for sale. (Refs. 1 through 5). In such foodstuffs, where acidification or fermentation is relied upon to prevent growth of *C. botulinum*, a maximum pH of 4.6 appears to provide an ample safety margin (Refs. 6, 7, and 8).

Because of the low water activity of the system, salt stock fermented pickles may be stored safely in a 10 percent salt solution until they are processed into finished pickles (Refs. 9, 10, and 11).

Fermentation and salting procedures are described in a number of publications (Refs. 12 through 15).

Between 1899 and 1964, there were 29 reported outbreaks of botulism in home-canned foods resulting in 101 illnesses and 55 deaths from home-canned pickled beets, peppers, pimientos and pickles (Ref. 16). Because botulinum toxin was found in these products, it is obvious that the products were not sufficiently acidified.

From January 1972 through December 1975, pickled, fermented, or acidified foods were involved in 4 seizures, 38 recalls, and the issuance of 20 letters to foreign processors stating that their products would no longer be allowed to enter the United States.

The four seizures included two for bacterial spoilage, one for label violations, and one for an excessive amount of tin in the product. Two of the recalls were due to botulinum poisoning that occurred in acidified foods commercially processed in the United States. As a result of these botulinum poisonings, eight people became ill—seven from peppers and one from marinated mushrooms. The peppers were canned in a plant lacking a pH meter and adequate thermometers and were not properly acidified. The mushrooms were not entirely immersed in the acidification bath prior to packing in oil and, consequently, some of them were not acidified. Of the 36 remaining recalls, 34 involved products (31 imported peppers and pimientos, 2 domestic peppers and 1 imported hearts of palm) which were not acidified to a pH of 4.6 or lower. The other two recalls involved filth in domestic pickles but did not involve insufficient acidification.

All of the processors involved in these actions appeared to lack an awareness of the importance of adhering to critical processing parameters to assure a safe product.

Information relating to the incidents described above has been placed on display for public review at the office of the Hearing Clerk, Food and Drug Administration.

Some products that purport to be pickles and have a pH above 4.6 are currently being marketed in hermetically sealed containers. Although they are supposed to be maintained under refrigeration, the Commissioner believes that there is a great danger that at some point these products might be held at ambient temperature long enough to allow the growth of *C. botulinum*. Therefore, he proposes to exclude from introduction into interstate commerce those products that have a pH greater than 4.6, are packaged in hermetically sealed containers, and purport to be pickles.

The Commissioner, therefore, proposes to establish a current good manufacturing practice regulation for the manufacture and processing of pickled, fermented, and acidified foods. If adopted, this regulation would supplement Part 128 (21 CFR Part 128) and set forth additional standards for evaluating the methods and procedures used in the

manufacture, processing, packaging, or holding of these products.

Because regulations concerning good manufacturing practice for pickled and acidified foods are to be placed in a new Part 128g (21 CFR Part 128g) it will be necessary to remove them from Part 128b (21 CFR Part 128b). Elsewhere in this issue of the FEDERAL REGISTER is a proposed amendment to Part 128b to delete therefrom acidified foods and to make other needed changes. Also in this issue of the FEDERAL REGISTER, a new emergency permit control regulation concerning pickled, fermented, and acidified foods is proposed. Until orders effectuating these proposals become effective, manufacturing practices for low-acid fruits, vegetables, and vegetable products in which, for the purpose of thermal processing, the pH value is reduced by acidification, must comply with the requirements of Part 128b and § 90.20 (21 CFR 90.20).

This proposal also calls for training supervisory personnel at schools approved by the Commissioner. A reasonable time period to permit such training will be allowed after the regulation is finalized.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation as required by Executive Order 11821, OMB Circular A-107, and interim guidelines issued April 1, 1975 by the Department of Health, Education, and Welfare, and no major inflation impact has been found. Copies of the FDA environmental and inflation impact assessments are on file with the Hearing Clerk, Food and Drug Administration.

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Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 402(a)(3) and (4), 701(a), 52 Stat. 1046, 1055 (21 U.S.C. 342(a)(3) and (4), 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), it is proposed that Chapter I of Title 21 of the Code of Federal Regulations be amended by adding a new Part 128g to read as follows:

PART 128g—PICKLED, FERMENTED, AND ACIDIFIED FOODS

- | | |
|---------|--|
| Sec. | |
| 128g.1 | Definitions. |
| 128g.2 | Current good manufacturing practice. |
| 128g.3 | Plant and grounds. |
| 128g.4 | Equipment and utensils. |
| 128g.5 | Personnel sanitation facilities. |
| 128g.6 | Equipment and utensil cleaning and sanitizing. |
| 128g.7 | Processes and controls. |
| 128g.8 | Records. |
| 128g.9 | Methodology. |
| 128g.10 | Deviations from scheduled procedures. |
| 128g.11 | Personnel. |

AUTHORITY: Secs. 402(a)(3) and (4), 701(a), 52 Stat. 1046, 1055 (21 U.S.C. 342(a)(3) and (4), 371(a)).

§ 128g.1 Definitions.

For the purposes of this part, the following definitions apply:

(a) "Acidified foods" means foods prepared from low-acid food ingredients with or without other food ingredients; they include, but are not limited to,

beans, cucumbers, cabbage, artichokes, cauliflower, puddings, peppers and fish, singly or in any combination; they are acidified to a pH of 4.6 or lower to prevent growth of microorganisms of public health significance. These foods may be called, or may purport to be "pickles" or "pickled." Carbonated beverages and salad dressings are excluded from the coverage of this part.

(b) "Fermented foods" means foods that have been prepared from low-acid ingredients and fermented to an equilibrium pH value of 4.6 or lower. These foods may be called, or may purport to be, such foods as "green olives," "pickles," "pickled" or "sauerkraut." The fermented product may be partially desalted, processed, or preserved in the original salt brine or in a new salt brine solution or in a vinegar solution with other ingredients of various compositions to give the characteristics of the particular type of food. Fermented dairy products are excluded from the coverage of this part.

(c) "Lot" means the product produced during a period indicated by a specific code.

(d) "Low-acid foods" means any foods, other than alcoholic beverages, with a finished equilibrium pH value greater than 4.6 and a water activity (a_w) greater than 0.85.

(e) "Pickled foods" means foods which are acidified or fermented, as defined in paragraphs (a) and (b) of this section, and which may purport to be "pickles" or "pickled."

(f) "Pickle stock" means unprocessed fruits or vegetables on hand which are intended for processing into pickled, acidified, and fermented products.

(g) "Salt stock" means brined lactic-acid-fermented pickle stock, which is cured to an equilibrium pH of 4.6 or lower and has a salt content of 10 percent or more.

(h) "Scheduled process" means the process selected by a processor as adequate for use under the conditions of manufacture for a product in achieving and maintaining a product that will not permit the growth of microorganisms having public health significance. It shall include: a method for controlling pH; conditions for heat processing; maintenance of adequate salt, sugar and preservative levels, as necessary; and storage and container integrity conditions.

(i) "Shall" refers to mandatory requirements and "should" refers to recommended or advisory procedures or equipment.

(j) "Tank yard" means an assortment of vats, barrels or tanks located at a processing plant where fruits and vegetables undergo fermentation in a controlled concentration of salt solution. "Salting station" means a "tank yard" that is not located at the processing plant.

(k) "Waste" means a food product rejected due to adulteration that renders it unsuitable for use as human food.

(l) "Water activity" (a_w) is a measure of the free moisture in a product and is

the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature.

§ 128g.2 Current good manufacturing practice.

(a) The criteria in §§ 128g.3 through 128g.11, as well as the criteria in Part 128 of this chapter, shall apply in determining whether an article of pickled, fermented or acidified food is adulterated (1) within the meaning of section 402 (a) (4) of the act (21 U.S.C. 342(a) (4)) in that it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health, or (2) within the meaning of section 402(a) (3) of the act (21 U.S.C. 342(a) (3)) in that it has been manufactured under such conditions that it is unfit for food.

(b) Pertinent criteria from Part 128 of this chapter have been amplified in §§ 128g.3 through 128g.11 to emphasize critical control points in the manufacture, processing, packing, or holding of pickled, fermented or acidified foods.

§ 128g.3 Plant and grounds.

(a) *Plant construction.* Special attention shall be given to the fit to doors and windows, soundness of the foundations and walls, and screening on windows and doors to ensure effective protection against the entry of insects, birds, rodents, and other animals.

(b) *Plant design.* Effective measures shall be taken to prevent contamination of products, raw materials, ingredients, and packaging materials with microorganisms, chemicals, filth, or other extraneous material. This may be accomplished by the following or other effective means:

(1) Separating the raw material area from the finished product area by partition, location, air flow or other effective means.

(2) Using protective coverings.

(3) Keeping electric lights from being directly over tanks.

(4) Controlling areas over and around the tanks to eliminate harborage for birds and rodents.

(5) Checking daily the barrels, tanks, vats and other containers holding pickle stock for insect infestation, and checking especially for the various stages of drosophila fly infestation.

(6) Skimming vats frequently.

(7) Using protective coverings over salt bins and tanks.

(8) Washing tanks and covers with a suitable cleaning agent and removing such agent prior to filling the tanks.

(9) Maintaining adequate drainage around the tanks.

(10) Keeping the area around tanks free from contaminating materials.

§ 128g.4 Equipment and utensils.

(a) Food-contact surfaces shall be corrosion-free and made of nontoxic material that will not crack or disintegrate in normal operation and that will withstand the environment of its intended

use and the action of food ingredients, cleaning compounds, and sanitizing agents. All food-contact surfaces shall be maintained to prevent product contamination and shall be in compliance with section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348) as it pertains to indirect food additives.

(b) Seams on food-contact surfaces shall be smoothly bonded or maintained so as to prevent microbiological contamination in places where dirt or organic material might accumulate.

(c) Equipment surfaces which do not come in contact with food shall be so constructed that they can be kept in a clean condition.

(d) Instruments used to test or control temperature or other plant operations shall be properly maintained and kept accurate.

(e) Instruments used to control or measure salt content and pH or acidity and other instruments used to control or prevent undesirable microbial growth in products, shall be properly maintained and kept accurate. Records of the results of periodic testing or calibration of such instruments shall be maintained.

§ 128g.5 Personnel sanitation facilities.

(a) Adequate and readily accessible hand washing and sanitizing facilities shall be provided in the plant for employees who may handle unprotected food, unprotected packaging materials, and food-contact surfaces. Such facilities shall be furnished with running water at a temperature suitable for hand washing, effective hand cleaning and sanitizing preparations, sanitary towel service or suitable drying devices and, where appropriate, refuse receptacles that are constructed and maintained so as to preclude contamination of the products. These facilities should be equipped with water control valves so designed and constructed as to prevent recontamination of cleaned hands.

(b) Readily understandable signs directing employees handling unprotected food, unprotected packaging materials, or food-contact surfaces to wash and sanitize their hands before starting work, after each absence from post of duty, and when their hands have become soiled or contaminated, shall be conspicuously posted in processing room(s) and in all other areas where employees may handle such food, materials or surfaces.

(c) Management shall ensure that employees handling unprotected food, unprotected packaging materials, or food-contact surfaces wash and sanitize their hands before starting work, after each absence from post of duty, and when their hands may have become soiled or contaminated.

§ 128g.6 Equipment and utensil cleaning and sanitizing.

(a) Cleaning and sanitizing of utensils and equipment shall be carried out so as to prevent contamination of raw materials, packaging material, or finished products.

(b) Poisonous or dangerous cleaning compounds, sanitizing agents, and pes-

ticide chemicals shall be applied, stored, and held so as to prevent contamination of food or packaging material. These materials shall be identified and used only in such manner and under conditions that will be safe for their intended use. Any applicable regulations promulgated by the Environmental Protection Agency for the application, use, or holding of such materials shall be followed.

(c) Food-contact surfaces of equipment used for processing or holding product during processing shall be kept sanitary.

§ 128g.7 Processes and controls.

The manufacturer shall employ appropriate quality control procedures and treatments to ensure that raw materials and finished products are wholesome and fit for food, that packaging materials are safe and suitable:

(a) Handling of raw materials.

(1) Raw materials shall be held in containers designed and constructed to prevent contamination.

(2) Raw materials and packaging materials shall be held under such conditions and at such temperature and relative humidity so as to prevent adulteration and decomposition.

(3) The manufacturer shall ensure that spices, herbs, salt and other raw materials susceptible to infestation or contamination by animals, birds, vermin, microorganisms, or extraneous material comply with current Food and Drug Administration regulations, guidelines, and action levels before these materials are incorporated into finished products. Compliance with this requirement may be accomplished by purchasing these materials under a supplier's guarantee or certification or by analyzing these materials by acceptable methods.

(4) The manufacturer shall take measures to prevent the use of decomposed or otherwise unsuitable products. This may be done by inspecting the raw product for evidence of insects, mold, decay, foreign materials and other defects and by removing the faulty product. Raw products intended for fresh-pack pickles or acidified foods should be washed, if necessary, to remove foreign matter.

(b) Fermentation and salt curing. Temperature, salt concentration and acidity are important factors in controlling the fermentation and salt-curing of foods. Controlling the concentration of salt will allow desirable bacteria to proliferate and ferment the food carbohydrate to lactic acid, which, together with the salt, inhibits the growth of bacteria having a potential hazard to health.

(1) The scheduled salting/brining process shall be established by a qualified person who has expert knowledge acquired through appropriate training and experience.

(2) The progress and control of the fermentation shall be monitored by appropriate tests. The concentration of salt in the brine shall be determined by a physical test, such as a specific gravity

or conductivity test, at sufficient intervals to assure the control of the fermentation. The progress of the fermentation shall be indicated by pH measurements or acid/base titrations or both according to the methods set forth in § 128g.9 at sufficient intervals to assure the control of the fermentation.

(3) At the completion of fermentation, the concentration of salt shall be sufficient to prevent the growth of *C. botulinum* when the product is held at room temperature.

(4) Salt curing, which may be accompanied by slow fermentation, shall be done by placing the fresh food in a solution having a salt concentration sufficiently high to prevent the growth of *C. botulinum*.

(c) Processing operations. The manufacturer shall employ appropriate quality control procedures to ensure that finished products do not present a health hazard.

(1) Pickled, fermented, and acidified foods shall be so manufactured, processed, and packaged that an equilibrium pH value of 4.6 or lower is achieved and maintained in all finished products. Manufacturing shall be in accordance with the scheduled procedure. All products that purport to be, or are represented as "pickles," "pickled," or "acidified," shall have an equilibrium pH of 4.6 or lower unless they are thermally processed as low-acid foods under Part 128b of this chapter.

(2) Sufficient control, including frequent testing and recording of results, shall be exercised so that the equilibrated pH values for pickled, fermented and acidified foods are not higher than 4.6. This shall be verified by a qualified analyst using a suitable method. A method based upon a potentiometric method such as that described under § 128g.9(a) shall be employed if the pH values are higher than 4.0. If the pH is 4.0 or lower, colorimetric methods may be used. If a procedure based upon titratable acidity is to be used during process operations, the manufacturer shall relate results obtained by the particular method used to the equilibrated pH of the final product. Special care should be taken when food ingredients have been subjected to lye, lime, or similar high pH materials.

(3) Procedures for acidification to attain acceptable PH levels in the final product include, but are not limited to, the following:

(i) Blanching of the food ingredients in acidified aqueous solutions.

(ii) Immersion of the blanched food ingredients in acid solutions. Although immersion of food ingredients in an acid solution is a satisfactory method for acidification, care must be taken to assure that the acid concentration is properly maintained.

(iii) Direct batch acidification. This can be achieved by adding a known amount of an acid solution to a specified amount of product during acidification.

(iv) Direct addition of a predetermined amount of acid to individual containers during production. Liquid acids are generally more effective than solid or pel-

leted acids. Care must be taken to ensure that the proper amount of acid is added to each container.

(v) Addition of acid foods to low-acid foods in controlled proportions to conform to specific formulations.

(4) When the salt concentration of the brine in tanks containing food may have been significantly diluted by rain, it should be checked and adjusted as necessary.

(5) Effective measures shall be taken to prevent the inclusion of metal, wood, glass or other extraneous material in finished products. This may be accomplished by using suitable equipment such as sieves, magnets, electronic metal detectors, or other effective means.

(6) The final packaging operation shall be in an enclosed building. Testing and examinations of containers shall occur often enough to ensure that the container suitably protects the product from leakage or contamination.

(7) Waste shall be prevented from contributing to direct or indirect product contamination. This may be accomplished by holding the waste in properly identified containers and removing it from the plant at least once per day.

(d) Coding. Each container or product shall be marked with an identifying code that shall be permanently visible to the naked eye. Where the container does not permit the code to be embossed or inked, the label may be legibly perforated or otherwise marked, provided that the label is securely affixed to the product container. The required identification shall specify in code the establishment where the product was packed, the product contained therein, and the year, day, and period during which it was packed. The packing period code shall be changed often enough to enable ready identification of lots during their sale and distribution. Codes may be changed periodically on one of the following bases: intervals of 4 to 5 hours; personnel shift changes; or batches, provided the containers comprising such batch do not represent those processed during more than one personnel shift.

§ 128g.8 Records.

(a) In accordance with paragraph (e) of this section, records shall be maintained of: examinations of raw materials, packaging materials, and finished products; and of suppliers' guarantees or certifications that verify compliance with Food and Drug Administration regulations and guidelines or action levels.

(b) Processing and production records covering processes intended to pasteurize or otherwise heat treat products, and records of pH measurements, temperature, salt concentration, and other critical factors intended to ensure a safe product, shall be maintained and shall contain sufficient additional information such as product code, date, container size and product, to permit a public health hazard of evaluation of the processes applied to each lot, batch or other portion of production.

(c) All departures from scheduled processes having a possible bearing on public health or the safety of the food shall be noted and the affected portion of the product identified; such departures shall be recorded and made the subject of a separate file delineating them, the action taken to rectify them, and the disposition of the portion of the product involved.

(d) Records shall be maintained identifying initial distribution of the finished product to facilitate, when necessary, the segregation of specific food lots that may have become contaminated or otherwise unfit for their intended use.

(e) Copies of all records provided for in this part shall be retained at the processing plant or other reasonably accessible location for an additional 2 years.

§ 128g.9 Methodology.

Methods that may be used to determine pH or acidity for pickled, fermented and acidified foods include, but are not limited to, the following:

(a) *Potentiometric method for the determination of pH.* This method must be used if the pH is higher than 4.0.

(1) *Principles.* The term "pH" is used to designate the intensity or degree of acidity. The value of pH, the logarithm of the reciprocal of the hydrogen ion concentration in solution, is determined by measuring the difference in potential between two electrodes immersed in a sample solution. A suitable system consists of a potentiometer, a glass electrode, and a reference electrode. A precise pH determination can be made by making an electromotive force (emf) measurement of a standard buffer solution whose pH is known, and then by comparing that measurement to an emf measurement of a sample of the solution to be tested.

(2) *Instruments.* The primary instrument for use in pH determination is the pH meter or potentiometer. For most work, an instrument with a direct-reading pH scale is necessary. Battery and line-operated instruments are available commercially. Line-operated instruments should be fitted with voltage regulators to eliminate drifting of meter-scale readings. Batteries should be checked frequently to assure proper operation of battery operated instruments. An instrument using an expanded unit scale or a digital readout system is preferred since it allows more precise measurements.

(3) *Electrodes.* The typical pH meter is equipped with a glass membrane electrode and a reference electrode. Various types of electrodes designed for specific uses are available. The most commonly used reference electrode is the calomel electrode, which incorporates a salt bridge filled with saturated potassium chloride solution.

(i) *Care and use of electrodes.* Calomel electrodes should be kept filled with saturated potassium chloride solution, because they may become damaged if they are allowed to dry out. For best results, electrodes should be soaked in boiled

distilled water for several hours before using and kept ready by storing with tips immersed in distilled water or in buffer solution used for standardization. Electrodes should be rinsed with boiled distilled water before immersing in the standard buffers and between sample determinations. A lag in meter response may indicate aging effects or fouling of the electrodes, and cleaning and rejuvenation of the electrodes may be necessary. This may be accomplished by placing the electrodes in 0.1 molar sodium hydroxide solution for 1 minute and then transferring them to 0.1 molar hydrochloric acid solution for 1 minute. The cycle should be repeated two times, ending with the electrodes in the acid solution. The electrodes should then be thoroughly rinsed with distilled water and blotted with soft tissue before proceeding with the standardization.

(ii) *Temperature.* To obtain accurate results, a uniform temperature should be maintained for the electrodes, the standard buffer solutions, and the samples. Tests should be made at a temperature between 20° to 30° C, the optimum being 25° C. Any temperature determinations made without meter compensation may vary pH values.

(iii) *Accuracy.* The accuracy of most pH meters is stated to be approximately 0.1 pH unit, and reproducibility is usually ± 0.05 pH unit or less. Some meters permit the expansion of any pH unit range to cover the entire scale and have an accuracy of approximately ± 0.01 pH unit and a reproducibility of ± 0.005 pH units.

(4) *General procedure for determining pH.* When operating an instrument, the manufacturer's instructions should be used and the following techniques for pH determinations observed:

(i) Switch the instrument on and allow the electronic components to warm up and stabilize before proceeding.

(ii) Standardize the instrument and electrodes with commercially-prepared standard 4.0 pH buffer or with freshly prepared 0.05 molar potassium acid phthalate buffer solution prepared as outlined in "Official Methods of Analysis of the Association of Official Analytical Chemists," 12th ed., 1975, section 50.007 (c), page 943.¹ Note the temperature of the buffer solution and set the temperature compensator control at the observed temperature (room temperature is near 25° C).

(iii) Rinse the electrodes with recently-boiled distilled water and blot but do not wipe with soft tissue.

(iv) Immerse the tips in the buffer solution and take the pH reading, allowing about 1 minute for the meter to stabilize. Adjust the standardization control so that the meter reading corresponds to the pH of the known buffer (for example, 4.0) for the temperature observed. Rinse the electrodes with boiled distilled water and blot with soft tissue. Repeat procedure with fresh portions of buffer solution until the instrument remains in balance on two successive trials. To check the operation of the pH meter, check the pH reading using another

standard buffer such as one having a pH of 7.0 or check it with freshly prepared 0.025 molar phosphate solution prepared as outlined in "Official Methods of Analysis of the Association of Official Analytical Chemists," 12th ed., 1975, section 50.007 (e), page 943.¹ Expanded scale pH meters may be checked with pH 3.0 or pH 5.0 standard buffers. Buffers and instruments can be further checked by comparison with values obtained with a second properly standardized instrument.

(v) Indicating electrodes may be checked for proper operation by first using an acid buffer then a base buffer. First standardize the electrodes using a pH 4.0 buffer at or near 25° C. Standardization control should be adjusted so that the meter reads exactly 4.0. Electrodes should be rinsed with distilled water, then blotted and immersed in a pH 9.18 borax buffer prepared as outlined in "Official Methods of Analysis of the Association of Official Analytical Chemists," 12th ed., 1975, section 50.007 (f), page 943.¹ The pH reading should be within ± 0.3 units of the 9.18 value.

(vi) The pH meter can be tested for proper operation by shorting the glass and reference electrode inputs, thereby reducing the voltage to zero. In some meters this is done by switching the instrument to standby, and in other instruments by use of a shorting strap. With the instrument shorted out, standardization control should be turned from one extreme to another. This operation should produce a deflection greater than ± 1.5 pH unit from center scale.

(5) *Determining pH on samples.* (i) Adjust the temperature of the sample to room temperature (25° C), and set the temperature compensator control to the observed temperature. With some expanded scale instruments, the sample temperature must be the same as the temperature of the buffer solution used for the standardization.

(ii) Rinse and blot the electrodes. Immerse the electrodes in the sample and take the pH reading, allowing 1 minute for the meter to stabilize. Rinse and blot the electrodes and repeat on a fresh portion of sample. Oil and grease from the samples may coat the electrodes, so it is advisable to clean and standardize the instrument frequently, usually after three determinations. When oily samples cause fouling problems, it may become necessary to rinse the electrodes with ethyl ether.

(iii) Determine two pH values on each of two portions or areas of the well-mixed sample. These readings should be in agreement with one another to indicate that the sample is homogeneous. Report values to the nearest 0.05 pH unit.

(6) *Preparation of samples.* Some food products may consist of a mixture of liquid and solid components that differ in acidity. Other food products may be semi-solid in character. The following are ex-

¹ Copies may be obtained from: Association of Official Analytical Chemists P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044.

amples of preparation procedures for pH testing for each of these categories:

(i) *Liquid and solid component mixtures.* Drain the contents of the container for 2 minutes on a U.S. standard No. 8 sieve (preferably stainless steel) inclined at a 17- to 20-degree angle. Record weights of the liquid and solid portions and retain each portion separately.

(A) If the liquid contains sufficient oil to cause electrode fouling, separate the layers with a separatory funnel and retain the aqueous layer. The oil layer may be discarded. Adjust the temperature of the aqueous layer to 25° C and determine its pH.

(B) Remove the drained solids from the sieve, blend to a uniform paste, adjust the temperature of the paste to 25° C and determine its pH.

(C) Mix aliquots of solid and liquid fractions in the same ratio as found in the original container and blend to a uniform consistency. Adjust the temperature of the blend to 25° C and determine the equilibrated pH.

(ii) *Marinated oil products.* Separate the oil from the solid product. Blend the solid in a blender to a paste consistency; it may become necessary to add a small amount of recently-boiled distilled water to some samples to facilitate the blending. A small amount of added water will not alter the pH of most food products, but caution must be exercised concerning poorly buffered foods. No more than 20 milliliters of distilled water should be added to each 100 grams of product. Determine the pH by immersing electrodes in the prepared paste after adjusting the temperature to 25° C.

(iii) *Semi-solid products.* Food products of a semi-solid consistency such as puddings, potato salad, etc., may be blended to a paste consistency, and the pH may be determined on the prepared paste. Where more fluidity is required, 10 to 20 milliliters of boiled distilled water may be added to 100 grams of product. Adjust the temperature of the prepared paste to 25° C and determine its pH.

(iv) *Special product mixtures.* For special product mixtures such as antipasto, pour off the oil, blend the remaining product to a paste and determine the pH of the blended paste. Where more fluidity is required, add 10 to 20 milliliters of boiled distilled water to each 100 grams of product and blend. Adjust the temperature of the prepared paste to 25° C and determine its pH.

(7) *Process pH determination.* Obtain sample portions of material for pH determination.

(i) For process liquids, adjust the temperature of the liquid to 25° C and determine the pH by immersing the electrodes in the liquid.

(ii) Drain solid materials on a sieve and blend to a workable paste. Adjust the temperature of the prepared paste to 25° C and determine its pH.

(iii) Where enough solid materials are available to make a paste, blend representative aliquots of liquid and solid materials to a workable paste. Adjust the temperature of the prepared paste to 25° C and determine the equilibrated pH.

(b) *Colorimetric method for the determination of pH.* This method may be used in lieu of potentiometric method if the pH is 4.0 or lower.

(1) *Principle.* The colorimetric method for pH involves the use of indicator dyes in solution that gradually change color over limited pH ranges. An indicator that has the greatest color change at approximately the pH of the sample being tested is selected. The pH is determined by the color of the indicator when exposed to the sample under test.

(2) *Indicator solutions.* Most indicator solutions are prepared as a 0.04 percent solution of the indicator dye in alcohol. In testing, a few drops of indicator solution are added to 10-milliliter portions of the sample solution. Colors should be compared using a bright background. Approximate determinations can be made on white porcelain spot plates, the test colors being compared thereon with a set of color standards. More accurate colorimetric tests can be made using a comparator block fitted with sets of tubes of standard indicator solutions of known pH.

(3) *Indicator paper.* A paper tape treated with indicator dye is dipped into the sample solution. Depending upon the pH of the solution, the tape will change color and an approximate pH can be determined by comparison with a standard color chart.

(c) *Titratable acidity.* Acceptable methods for determining titratable acidity are described in "Official Methods of Analysis of the Association of Official Analytical Chemists," 12th ed., 1975, sections 22.060-22.061 page 401. The procedure for preparing and standardizing the sodium hydroxide solution is described in "the same publication," sections 50.032-50.035, page 946.

§ 128g.10 Deviations from scheduled processes.

Whenever any process operation deviates from the scheduled processes for any pickled, fermented or acidified food and whenever the equilibrium pH value of the finished product is higher than 4.6 as disclosed from records, as determined by a qualified analyst or otherwise, the commercial processor of such pickled,

fermented or acidified food shall either: (a) Fully rework the deviant portion of the product by the scheduled process (or another process established as adequate to assure a safe product), which includes but is not limited to acidification, reprocessing and keeping full records of the processes used for reworking; (b) or thermally process it as a low-acid food pursuant to Part 128b of this chapter. Alternatively, that portion of the product involved shall be set aside for further evaluation as to any potential public health significance.

Such evaluation shall be made by a competent processing authority and shall be in accordance with procedures recognized by competent processing authorities as being adequate to detect any potential hazard to public health. Unless such evaluation demonstrates that the product has undergone a process that has rendered it safe, the product set aside shall either be fully reprocessed to render it safe or destroyed. A record shall be made of the procedures used in the evaluation and the results. Either upon completion of full reworking and the attainment of a safe product or after the determination that no significant potential for public health hazard exists, that portion of the product involved may be shipped in normal distribution. Otherwise, the portion of the product involved shall be destroyed.

§ 128g.11 Personnel.

All operators of processing and packaging systems shall be under the operating supervision of a person who has attended a school approved by the Commissioner for giving instruction in food-handling techniques, food protection principles, personal hygiene and plant sanitation practices, pH controls and critical factors in acidification, and who has been identified by that school as having satisfactorily completed the prescribed course of instruction.

Interested persons may, on or before September 21, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 2, 1976.

SHERWIN GARDNER,
Deputy Commissioner of
Food and Drugs.

See footnote on p. 30461.

[FR Doc. 76-21109 Filed 7-22-76; 8:45 am]

federal register

FRIDAY, JULY 23, 1976



PART III:

DEPARTMENT OF LABOR

**Employment and Training
Administration**



STANDARD FOR BENEFIT PAYMENT PROMPTNESS— UNEMPLOYMENT COMPENSATION

Final Regulations

Title 20—Employees' Benefits

CHAPTER V—EMPLOYMENT AND TRAINING
ADMINISTRATION, DEPARTMENT
OF LABORPART 640—STANDARD FOR BENEFIT
PAYMENT PROMPTNESS—UNEMPLOY-
MENT COMPENSATION

Final Regulations

On March 5, 1976, notice of proposed rulemaking was published in the *FEDERAL REGISTER* (41 FR 9559) to establish a Benefit Payment Promptness Standard for the Federal-State Unemployment Compensation Program, in new Part 640 of Chapter V, Title 20, Code of Federal Regulations.

As proposed, the Standard in new Part 640 would require that the State laws provide for such administration of the benefit payment process as will reasonably insure the payment of unemployment compensation to eligible individuals with the greatest promptness that is administratively feasible. Criteria for first payments were specified, which if met by a State, would constitute substantial compliance with the Standard. The criterion for intrastate claims would require that 80 percent of first benefit payments be made within 14 days of the end of the first compensable week. The criterion for interstate claims would require that 60 percent of first benefit payments be made within 14 days of the end of the first compensable week.

Comments on the new Part 640 were invited with a closing date of April 4, 1976, for receipt of comments. Within the time limit comments were received from six State agencies, one union and six legal aid and legal services groups in six States. Other comments were received after the time limit, and although the late comments cannot be considered there were no substantially different points made in the late comments that were not included in the comments received within the time limit. All of the comments received within the time limit have been considered, but the recommendations were not adopted for the following reasons:

1. Some States expressed concern with the interstate criterion because in many cases the delays are attributable to the agent State or to the postal service. It was suggested that two interstate criteria be established; one for agent State processing and one for liable State processing, or that the interstate criterion be lower.

The Department of Labor appreciates the problem involved in processing interstate claims. The establishment of two independent criteria, however, would not lend itself to a realistic assessment of the percentage of payments made within a prescribed time frame as each liable State is served by many agent States and the workloads in the agent States are widely dispersed among the liable States. The end result of having two criteria would not provide statistical data which would effectively depict the number of claimants not receiving benefits promptly.

With respect to lowering the interstate criterion, it is the Department's opinion that the 60 percent criterion is realistic and attainable. The remedy for the interstate time lapse problem is not to lower the criterion, but to develop and implement improved interstate claim procedures geared toward prompt payment of benefits.

2. A number of State agencies contended that it is inequitable to use the same criteria as the basis for measuring the promptness of benefit payments in both waiting week and non-waiting week States. They suggested that non-waiting week States be given 21 days instead of 14 days for making first payments, because the Department of Labor has encouraged States to eliminate the waiting week, yet those States with no waiting week requirement are penalized on time lapse.

The Department of Labor has reviewed time lapse experience for the past five years. Analysis has shown that non-waiting week States are capable of meeting the proposed time lapse criteria. The Department is of the opinion that if non-waiting week States can pay benefits within 14 days, waiting week States should be capable of paying benefits in less time. The problem to date is that data are not available on other than a 14-day basis. The Department has undertaken a study encompassing 16 State agencies to obtain reliable data on the number of days within which payments should be made. The Department will review the interstate criterion when the study data are available and have been analyzed. Part 640 will be republished in the *FEDERAL REGISTER* by March 1977 and will include such revisions as appear to be supported by studies and experience.

3. Several interested persons argued that the proposed criteria (80 percent intrastate and 60 percent interstate) are too low. The proposed criteria, it was pointed out, actually represented an acceptance as adequate of lesser promptness in first payments than that specified in the previously established operating guidelines (86 percent intrastate and 67 percent interstate) contained in General Administration Letter No. 1504, dated February 7, 1974. Recommendations ranged from maintaining the levels set in the operating guidelines, to requiring 100 percent of first payments to be made within the 14-day time limit. Concern also was expressed over the lack of criteria for the remaining 20 percent and 40 percent of the claimants (intrastate and interstate, respectively) who did not receive first payments within the 14-day limit. Graduated criteria were suggested.

The Department of Labor shares the objective of prompt payment of unemployment benefits when due. The 80 percent intrastate and 60 percent interstate criteria do not signify any relaxation of the Department's firm resolve to attain the greatest degree of promptness in the payment of benefits that is administratively feasible. The Department of Labor established performance requirements of 80 percent for the intrastate program,

and 60 percent for the interstate program, based on analysis of the most recently available data. It is and has been the responsibility of the Department to determine realistic and adequate performance criteria that the State employment security agencies are expected to meet. In establishing sound and realistic criteria, the Department must be responsive to changing legal and economic conditions under which the program operates, as well as the level of claim workloads experienced. For such reasons, criteria must be under continuing review and be revised as necessary to reflect the changing conditions. The 80 percent and 60 percent criteria reflect the impact of such changes since the 1960's when the 86 percent and 67 percent were developed. The Department's concern over the prompt payment of benefits has resulted in a major undertaking involving in-depth studies in 16 State agencies. Data from these studies will be analyzed and if warranted new criteria will be established and published in the *FEDERAL REGISTER* in March 1977. Data being collected will provide the Department with information which may result in the setting up of graduated criteria.

4. One comment concerned the concept of substantial compliance as a requirement on the States, rather than the total compliance allegedly required by the *Java* decision of the U.S. Supreme Court and section 303(a)(1) of the Social Security Act. According to the comment, substantial compliance implicitly suggests that a degree of noncompliance or unreasonableness will be tolerated—contrary to *Java* and Federal law which require that a State must comply.

Section 303(a)(1) requires that a State law include such methods of administration as are found by the Secretary of Labor to be reasonably calculated to insure full payment of unemployment compensation when due. There must be complete conformity with this requirement. All State laws either specifically provide for such methods of administration or are interpreted as requiring such methods as are necessary to conform with this requirement. Section 303(b)(2) requires application of sanctions when the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency, finds that in the administration of the law there is a failure to comply substantially with any provisions specified in 303(a) including, of course, 303(a)(1) described above. The Standard represents our best judgment at this time of what reasonably constitutes substantial compliance with the "when due" requirement. A requirement of total compliance with the requirements of section 303(a) (e.g., a requirement that takes no account of factors beyond an agency's control) would not only be unrealistic, but would clearly not accord with the statute.

5. A comment concerning the need for criteria encompassing the speed with which both eligible and ineligible monetary determinations are made was received. The process in which claims are taken and monetary determinations of

eligibility or ineligibility are made will automatically result in speedy ineligible monetary determinations when first benefit payment promptness is adequate. This occurs automatically because there is no reasonable way to identify whether claimants are eligible or ineligible until a monetary determination is made; therefore, by requiring prompt payment in all cases, monetary determinations of ineligibility will be issued promptly as will monetary determinations of eligibility.

6. Some comments raised the issue of setting promptness criteria for subsequent benefit payments as well as first benefit payments. Past studies have indicated that: (1) first benefit payment promptness performance correlates with subsequent payment performance so that when first payment promptness is adequate so is subsequent payment performance; and (2) the variance between States with respect to subsequent payment promptness is negligible. Since such studies were conducted early in the 1960's and study data is no longer available, we believe that further studies are needed to recheck these findings and to determine whether subsequent payment promptness criteria are needed. Such studies will be conducted prior to the republication of the Standard in March 1977, and the republished Standard will reflect a determination of the feasibility of establishing subsequent payment criteria.

7. A comment was received requesting that "uncontrollable delays" as mentioned in the Background of the published Proposed Standard be defined.

Past experience shows that such things as backdating of claims when done for reasons other than agency error, claimant delay in providing required information to process the claim, and delay in postal service are factors considered to be beyond the agency's control. However, not all specific uncontrollable delays can be identified until such time as data from the previously mentioned 16-States study are gathered and analyzed.

8. A comment was received addressing the Department's requirement that annual plans for improving time lapse be submitted by States below the 80 percent and 60 percent level.

The Department receives monthly, quarterly and annual statistical reports with respect to promptness of first payments. Continuation of these reports will be required under the Standard. These reports will be continually reviewed and the trend of agency performance assessed. Whenever the statistical data show a need for Federal action to assist States in improving benefit payment promptness, such assistance will be made available. In addition to the routine submittal of statistical reports for review, a State will be required to submit, during the fiscal year program budget planning process, its plan for improving benefit payment promptness when the most recent data show the State is below the 60 percent or 80 percent criteria. Federal staff will review the plan

and monitor State progress in adhering to the plan throughout the fiscal year.

9. States which operate under a request reporting system (one which requires the agency to request wage data from employers on an as needed basis when a claimant files a claim) instead of the wage record system (one where employers report wage information on a quarterly basis) have requested that their system be given special recognition as it is more difficult for them to meet the 80 percent and 60 percent criteria.

A review of benefit payment promptness data from request reporting States shows that the criteria can be achieved. In addition, if a State is having difficulty in meeting the criteria due to operating procedures (even if based on State law), the State should make the necessary changes to assure that the 80 percent and 60 percent criteria are met.

10. A question was raised concerning the statutory remedy which the Department can take with respect to the withdrawal of Federal administrative funds when a State is not meeting the Standard. Such action, it was pointed out, would result in penalizing claimants since the State agency would, without funds, be unable to process claims.

State officials are as concerned about improving benefit payment promptness as are Department officials. The unique working relationship between the State and Federal partners has resulted over the years in a high degree of cooperation, and the Department is confident of the continued cooperation of the States in achieving the objective of the Standard.

Denial of certification of granted funds is the statutorily prescribed consequence, however, when a State law fails to conform with Federal requirements or when a State in administering its law fails to comply substantially with any provisions required by the Federal law. Prior to undertaking the steps necessary to defund a State program, the Department would, as it always has done, attempt to resolve the matter by informal discussion as set forth in 20 CFR 601.5(b). Therefore, in the case of a failure or refusal to conform with the Standard, or failure or refusal to comply substantially with its requirement, the Department would work with State officials to achieve conformity in the State law or compliance in administration of the program. The Department would make reviews of agency operations, provide recommended improvements and monitor the implementation of such recommendations, with the expectation that the desired results would be achieved without the necessity of invoking the sanction of the law.

11. A comment was received concerning the application of the Standard to the programs of Unemployment Compensation for Federal Employees (UCFE), Unemployment Compensation for Ex-Servicemen (UCX), Federal Supplemental Benefits (FSB), and Special Unemployment Assistance (SUA).

The Benefit Payment Promptness Standard directly applies only to the

Federal-State Unemployment Compensation Program. Its applicability to other unemployment benefit programs is by virtue of the laws and regulations governing the other programs. Therefore, to the extent that the laws and regulations for the other programs incorporate this Standard, it applies to the other programs.

New Part 640 of Chapter V, Title 20, of the Code of Federal Regulations, accordingly is adopted without change as set forth below.

Effective date: August 23, 1976.

Signed at Washington, D.C., on July 19, 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for
Employment and Training.

PART 640—STANDARD FOR BENEFIT PAYMENT PROMPTNESS—UNEMPLOYMENT COMPENSATION

- Sec.
- 640.1 Purpose and scope of the standard.
- 640.2 Federal law requirements.
- 640.3 Secretary's interpretation of Federal law requirements.
- 640.4 Secretary's Standard.
- 640.5 Criteria for State compliance.
- 640.6 Review of State compliance.
- 640.7 Annual Benefit Payment Performance Plan.

AUTHORITY: Sec. 1102 of the Social Security Act (42 U.S.C. 1302); Secretary's Order No. 4-75, dated April 16, 1975. Interpret and apply secs. 303(a) (1) and 303(b) (2) of the Social Security Act (42 U.S.C. 503(a) (1), 503(b) (2)).

§ 640.1 Purpose and scope of the Standard.

(a) *Purpose.* This Standard is responsive to the overriding concern of the United States Supreme Court in "California Department of Human Resources Development v. Java", 402 U.S. 121 (1971), and that of other courts with delays in the payment of unemployment compensation to eligible individuals. The Standard in this Part seeks to insure that unemployment compensation is paid to eligible individuals with the greatest promptness that is administratively feasible.

(b) *Scope.* The Standard specified in § 640.4 applies to all claims for unemployment compensation. The criteria for State compliance in §§ 640.5 apply to first payments of unemployment compensation to eligible claimants following the filing of initial claims and first compensable claims.

§ 640.2 Federal law requirements.

(a) *Conformity.* Section 303(a) (1) of the Social Security Act requires that a State unemployment compensation law include provision for—

Such methods of administration * * * as are found by the Secretary of Labor to be reasonably calculated to insure full payment of unemployment compensation when due.

(b) *Compliance.* Section 303(b) (2) of the Social Security Act provides that:

Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing

to the State agency charged with the administration of the State law, finds that in the administration of the law there is—

(1) * * *

(2) a failure to comply substantially with any provision specified in subsection (a) of this section;

the Secretary of Labor shall notify such State agency that further payments will not be made to the State until the Secretary of Labor is satisfied that there is no longer any such denial or failure to comply. Until he is so satisfied, he shall make no further certification to the Secretary of the Treasury with respect to such State * * *.

§ 640.3 Secretary's interpretation of Federal law requirements.

(a) *Section 303(a)(1)*. The Secretary interprets section 303(a)(1) of the Social Security Act to require that a State law include provision for such methods of administration as will reasonably insure the full payment of unemployment compensation to eligible claimants with the greatest promptness that is administratively feasible.

(b) *Section 303(b)(2)*. The Secretary interprets section 303(b)(2) of the Social Security Act to require a State to comply

substantially with the provision required by section 303(a)(1), as specified in paragraph (a) of this section.

§ 640.4 Secretary's Standard.

A State law will satisfy the requirement of section 303(a)(1), as specified in § 640.3(a), if, after September 30, 1976, it contains a provision requiring, or is construed to require, such methods of administration as will reasonably insure the full payment of unemployment compensation to eligible claimants with the greatest promptness that is administratively feasible.

§ 640.5 Criteria for State compliance.

A State will be deemed to comply substantially with the requirement set forth in § 640.4 if, for the fiscal year 1977, and for each fiscal year thereafter—

(a) It has issued 80 percent of first benefit payments on all intrastate claims within 14 days after the end of the first compensable week, and

(b) It has issued 60 percent of first benefit payments on all interstate claims within 14 days after the end of the first compensable week.

§ 640.6 Review of State compliance.

A State's compliance will be assessed for each fiscal year on a cumulative monthly basis from data reported monthly as required by sections 2600-2699, Part III, "Employment Security Manual."

§ 640.7 Annual Benefit Payment Performance Plan.

(a) *Fiscal year 1977*. Every State that has not, for the 12-month period ending on June 30, 1976, met the criteria specified in § 640.5, shall submit, no later than September 30, 1976, an Annual Benefit Payment Performance Plan of action showing how it will operate so as to meet those criteria beginning with the first quarter of fiscal year 1977.

(b) *Subsequent fiscal years*. No later than September 30, 1977, and the 30th day of September of each ensuing year, each State that has not, for the 12-month period ending the preceding June 30, met the criteria specified in § 640.5, shall submit an Annual Benefit Payment Performance Plan of action showing how it will operate so as to meet those criteria beginning with the next ensuing fiscal year.

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federal register

FRIDAY, JULY 23, 1976



PART IV:

ENVIRONMENTAL PROTECTION AGENCY



WATER PROGRAM

**Proposed Toxic Pollutant
Effluent Standards for
Polychlorinated Biphenyls**

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 129]

[FRL 585-5]

WATER PROGRAM

Proposed Toxic Pollutant Effluent Standards for Polychlorinated Biphenyls

Notice is hereby given that the Environmental Protection Agency, pursuant to the authority contained in section 307(a) of the Federal Water Pollution Control Act (the Act) as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500, 86 Stat. 816, 33 U.S.C. 1251 et seq.), proposes additional sections to Part 129, setting forth proposed effluent standards for polychlorinated biphenyls (PCBs). On June 10, 1976, the Agency proposed a new Part 129, setting forth proposed effluent standards for the following toxic pollutants: aldrin/dieldrin, DDT (DDD, DDE), endrin and toxaphene, 41 F.R. 23576 et seq. On June 30, 1976, the Agency proposed effluent standards for benzidine, 41 F.R. 27012 et seq. Those five pollutants, as well as polychlorinated biphenyls (PCBs), were included on a list of toxic pollutants previously published by the Agency pursuant to Section 307(a)(1), 38 F.R. 24342 et seq. (September 7, 1973).

Section 307(a)(2) of the Act provides as follows:

Within one hundred and eighty days after the date of publication of any list, or revision thereof, containing toxic pollutants or combination of pollutants under paragraph (1) of this subsection, the Administrator, in accordance with section 553 of Title 5 of the United States Code, shall publish a proposed effluent standard (or prohibition) for such pollutant or combination of pollutants which shall take into account the toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms and the nature and extent of the effect of the toxic pollutant on such organisms, and he shall publish a notice for a public hearing on such proposed standard to be held within thirty days. As soon as possible after such hearing, but not later than six months after publication of the proposed effluent standard (or prohibition), unless the Administrator finds, on the record, that a modification of such proposed standard (or prohibition) is justified based upon a preponderance of evidence adduced at such hearings, such standard (or prohibition) shall be promulgated.

The regulations proposed at this time establish effluent standards for manufacturers of PCBs and manufacturers of transformers and capacitors which contain PCBs. Standards are proposed for both existing and new sources.

The following, together with the materials and information hereinafter referred to and incorporated by reference, sets forth the basis and purpose of the effluent standards proposed at this time.

SUMMARY OF PRINCIPAL FEATURES AND BENEFITS OF THE PROPOSED REGULATIONS

The regulations here proposed would establish effluent standards for all man-

ufacturers of PCBs and manufacturers of transformers and capacitors who use PCBs and who discharge directly into the navigable waters. Standards are established for both existing and new sources. Owners and operators of facilities which discharge into publicly owned treatment works, as defined in section 212 of the Act (sometimes referred to as "indirect dischargers"), are not covered by the standards herein proposed. However, the Agency will propose pretreatment standards in due course for such indirect discharges pursuant to the authority contained in section 307(b) of the Act following proposal of these standards.

The term polychlorinated biphenyls refers to a family of organic chemicals which have been produced and marketed in this country for approximately 45 years. These organic chemicals are synthetically made and consist of a number of chlorinated biphenyl isomers. They are highly stable compounds and are used primarily as dielectric and heat transfer fluids, though they have other uses as well. PCBs have been conclusively demonstrated to produce lethal and sublethal toxic effects at low dose levels upon a wide range of fish, mammals, and other wildlife, and have also demonstrated adverse health effects to humans. Moreover, they are highly mobile and persistent in the environment, and bioaccumulate greatly in tissue.

The sole manufacturer in the United States, Monsanto Industrial Chemicals Company, currently produces approximately 40 million pounds of PCBs per year. Imports of PCBs currently amount to about 0.4 million pounds per year. Since 1970 Monsanto has voluntarily restricted its domestic sales of PCBs to use in transformers and capacitors (closed systems). Consequently Monsanto and the manufacturers of transformers and liquid-filled capacitors are significant sources of further contamination or potential contamination resulting from the discharge of domestically manufactured PCBs into the aquatic environment.

The proposed standards include a prohibition on discharge of PCBs by any PCB manufacturer. With respect to any manufacturer of transformers or capacitors, a prohibition of any PCBs in any effluent discharge of process wastes is proposed, with limited exceptions, and an average daily concentration limit per month of 1 µg/l is proposed for any other discharge. For new sources, a prohibition on discharge of PCBs in process wastes in conjunction with an average daily concentration limit per month of 0.1 µg/l for other discharges is proposed.

Regulation of discharges under the Act cannot, by itself, guarantee an ample margin of safety for all organisms and human health even if all point source discharges were prohibited, in light of the serious environmental problem which already exists. Data available to the Agency indicate that the standards proposed at this time will however result in maximum feasible progress, within

the inherent limitations of point source discharge control, towards the degree of protection for aquatic and other organisms and human health envisioned under the Act, and are technologically achievable by industry. The Agency will continue to review the standards established in this rulemaking as additional data become available to determine whether further protection, including more stringent standards, is necessary and feasible.

I. BACKGROUND

A. PCBs IN THE ENVIRONMENT

PCBs are a class of organic compounds manufactured by the chlorination of biphenyl with anhydrous chlorine using iron filings or ferric chloride as a catalyst. The biphenyl molecule has a total of ten carbon-hydrogen bonds at which chlorine substitution can be accommodated. In the manufacture of PCBs, anywhere from one to ten chlorine atoms may be located on the biphenyl molecule. Depending upon the location of these substitutions, theoretically as many as 209 separate compounds, or isomers, of the chlorinated biphenyl family can be manufactured.

The PCBs manufactured by Monsanto are marketed under the trade name Aroclor, followed by a four digit number, with "biphenyl" represented by the first two digits "12", and the approximate chlorine percentage represented by the second two. Thus, Aroclor 1242 is a mixture containing approximately 42 percent chlorine. The principal Aroclors which have been marketed over the past decade by Monsanto are 1221, 1232, 1242, 1248, 1254 and 1260, although at this time there is no active marketing of 1232, 1248 or 1260. In addition, Aroclor 1016 (an exception to the previously identified nomenclature system) is being marketed, and bears approximately 41.3 percent chlorine. For an extensive discussion of the chemical and physical properties of PCBs, see O. Hutzinger, S. Safe, and V. Zitko, "The Chemistry of PCBs," CRC Press, 1974.

The unique physical and chemical properties of PCBs include low vapor pressure at ambient temperatures, resistance to combustion, remarkable chemical stability, high dielectric constant and high specific electrical resistivity and low water solubility. At the same time, PCBs are lipid soluble and hence the potential for absorption into fatty tissue and into the liver is high. Thus once ingested PCBs are retained by most organisms rather than excreted. The qualities of persistence which make PCBs useful for many industrial purposes greatly aggravate their potential for harm in the ecosystem.

Although the principal uses of PCBs today are in "closed" electrical systems (transformers and capacitors), PCBs have been used over the years for a variety of more "open" uses resulting in greater direct contamination of the environment. These other uses include an additive in investment casting waxes, lubricant additives, hydraulic and com-

pressor fluid, carbonless copy paper, plasticizers, paints, heat exchange fluids, certain types of paper and sealants. Most of these uses have been substantially curtailed, but the PCBs which have entered the environment as a result of these uses, and which continue to be placed in the environment, will be there for many years. Some of these uses are resulting in effluent discharges which are not subject to the standards proposed at this time owing to insufficient data. As such data become available, however, the Agency expects to take appropriate measures to control such discharges pursuant to the Act or other applicable statutory authority.

It is estimated that over the past 45 years approximately 1.4 billion pounds of PCBs have been produced in the United States, of which 1.25 billion have been used in this country and the balance exported. Of this 1.25 billion pounds, approximately 960 million pounds have been used in electrical equipment. In addition, it is estimated that only approximately 50 million pounds have degraded, that 750 million pounds are presently in service, and that 450 million pounds are in landfills (ostensibly as a result of disposal) and in air, water, soil and sediments.

In contrast, it is estimated that discharges to the aquatic environment each year from the approximately 37 manufacturers of capacitors and transformers, plus Monsanto, probably do not exceed 10,000 pounds, with direct discharges from these sources accounting for less than one-third this amount. Although efforts to reduce substantially and eventually eliminate this source of environmental contamination will have a relatively minor effect on the overall PCB problem as it currently exists, such efforts are likely to have a more significant impact in reducing future environmental contamination and in alleviating the specific environmental problems in the immediate receiving waters. Consequently the Agency believes that the standards proposed at this time will constitute an important element in the overall effort to reduce and ultimately eliminate any further addition of PCBs to the environment.

B. PRIOR REGULATORY ACTION AND RELATED EFFORTS TO REDUCE ENVIRONMENTAL EXPOSURE

Because of the demonstrated toxicity of PCBs and the human health threat posed by ingestion of PCBs through the food chain, the Food and Drug Administration (FDA) of the Department of Health, Education and Welfare established temporary tolerances for PCBs in food pursuant to the Federal Food, Drug and Cosmetic Act, 21 CFR 122.10 (July 6, 1973). These tolerances included, for example, 5 parts per million (ppm) in the edible portion of fish and shellfish, 2.5 ppm in milk and dairy products, 5 ppm in poultry, 0.5 ppm in eggs and 0.2 ppm in infant and junior foods. On February 26, 1976, FDA announced that it is actively considering a lower temporary tolerance for fish in light of recent toxicological data concerning PCBs, 41 FR 8409. FDA has also banned PCBs for use in food and feed processing.

The American National Standards Institute has issued guidelines for industry on the use, disposal and labelling of PCBs, and is currently considering more extensive guidelines for the handling, servicing and disposing of existing equipment containing PCBs.

The General Services Administration (GSA) has banned PCBs in carbonless copy paper purchased by the Federal government and the Department of the Interior (DOI) has prohibited the use of PCBs in offshore oil operations.

The Environmental Protection Agency (EPA) has proposed regulations pursuant to section 311 of the Federal Water Pollution Control Act to control spills of numerous identified hazardous substances, including PCBs. These regulations are intended to establish reporting requirements, to establish harmful quantities, and to fix civil penalties for spills. The Agency further anticipates use of its authority under section 311 to require industry to prepare spill prevention control plans.

The Agency, in October, 1975, issued in draft form a set of water quality criteria pursuant to section 304(a) of the Act recommending maximum permissible concentrations in the ambient water for numerous pollutants, including PCBs. The concentration level proposed at that time was 0.001 µg/l for PCBs. That document is currently being reviewed prior to final publication.

On April 1, 1976, the Agency issued recommended procedures for disposal of PCBs by industrial users, pursuant to section 204(b) of the Solid Waste Disposal Act, 41 FR 14134.

On July 6, 1973, the Agency published in the FEDERAL REGISTER a proposed list of nine toxic pollutants pursuant to section 307(a)(1) of the Act, 38 FR 18044. The nine substances were: aldrin/dieldrin, benzidine, cadmium, cyanide, DDT (DDD, DDE), endrin, mercury, polychlorinated biphenyls and toxaphene. Following receipt of public comment, the list was promulgated on September 7, 1973, together with a discussion of the Agency's selection criteria and a response to comments received on the proposed list, 38 FR 24342 et seq. The promulgated list consisted of the same nine substances previously proposed.

On December 27, 1973, the Agency proposed toxic pollutant effluent standards for each of these nine substances, together with a summary of the factors considered in setting the standards, and a list of point source categories of discharges proposed for coverage, 38 FR 35388 et seq. In accordance with section 307(a)(2) of the Act, a formal rulemaking hearing on the proposed standards was scheduled. A prehearing conference was held on January 25, 1974, followed by a thirty day evidentiary hearing held during April and May. During the course of those hearings, which were held under severe time constraints, the Agency became aware of certain gaps in its data base. As a result, the Agency determined

at the conclusion of the hearings that the record did not contain sufficient evidence on which to promulgate responsible and defensible standards. Accordingly, the Agency decided to gather additional data and repropose its standards, supported by an expanded data base. The standards proposed at this time thus supersede the PCBs portion of the proposal of December 27, 1973.

The Agency's decision to gather additional data and to repropose standards was discussed at considerable length in the Preamble to the Notice of Proposed Toxic Pollutant Effluent Standards for Aldrin/Dieldrin, DDT, Endrin and Toxaphene, published in the FEDERAL REGISTER on June 10, 1976, 41 FR 23576, to which the reader is referred and which is hereby incorporated into this PCB statement of basis and purpose by reference.

II. THE PROPOSED STANDARDS

GENERAL PROVISIONS

The notice of proposed rulemaking published on June 10, 1976, proposed provisions of general applicability to all standards issued under section 307(a). These were set forth as §§ 129.1 through 129.8. Those Sections are promulgated will be applicable to standards established hereunder for polychlorinated biphenyls. Owners and operators of facilities which are or may be subject to the standards proposed herein are expressly referred to that notice of proposed rulemaking for provisions relating to scope and purpose, definitions, abbreviations, compliance procedures (including notification to the Regional Administrator or State Director of an approved NPDES permit program, as appropriate), of any discharge subject to these standards, requirements and procedures for establishment of a more stringent effluent limitation than that established in these proceedings, and compliance date.

THE STANDARDS FOR POLYCHLORINATED BIPHENYLS

In the notice of proposed Toxic Pollutant Effluent Standards published June 10, 1976, standards were proposed for aldrin/dieldrin, DDT (DDD, DDE), endrin and toxaphene in Sections 129.100 through 129.103 respectively. In addition, the Agency has proposed to add a new § 129.104 containing effluent standards for benzidine, 41 FR 27012 (June 30, 1976).

The standards proposed herein would add a new Section 129.105 to provide coverage for PCBs for new and existing sources in the following industrial categories: Manufacturers of PCBs, manufacturers of transformers, and manufacturers of capacitors. Coverage is provided for both new and existing sources, and for purposes of these standards, a new source is defined as any source on which construction is begun following the date of this proposed rulemaking, if standards are subsequently promulgated pursuant to this proceeding. The Agency's data indicate that these standards will cover at least three plants manufacturing transformers, and at least

seven plants manufacturing capacitors, all of which are existing direct dischargers.

Each section includes specialized definitions of the point source category covered and prescribes acceptable analytical methods. In addition, provision is made for determination of weights and concentrations. In cases where a discharge is allowed, the standard will be specified as an average monthly concentration limit and a maximum concentration at any time.

In developing the standards proposed herein the Administrator has given careful consideration to each of the factors enumerated in section 307(a)(2). These factors include "the toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms and the nature and extent of the effect of the toxic pollutant on such organisms." In light of the Act's manifest concern for public health, which is reflected both in the statute and the legislative history, the Administrator has also considered available data concerning human health effects attributable to PCBs. The data considered by the Administrator relating to these factors of toxicity and environmental effect are set forth in a "Criteria Document." The Agency was assisted in the preparation of this criteria document by Ian C. T. Nisbet, Ph.D., of the Massachusetts Audubon Society, a nationally recognized expert on the toxicology of PCBs. This document is hereby incorporated by reference as a part of the statement of basis and purpose for the standards hereinafter proposed.

In addition, the Administrator has considered the availability of various methods of control and related technology by which discharge of PCBs might be eliminated or reduced. His authority to consider technology as well as economic impact is discussed in detail in the preamble portion of the Notice of Proposed Toxic Pollutant Effluent Standards published on June 10, 1976, to which the reader is referred.

In order to obtain relevant data for this function, the Agency engaged the services of Versar Inc., of Springfield, Virginia, who are recognized experts in the study of wastewater treatment technology and the control of pollutants emitted by industrial sources. Versar Inc. has prepared and submitted a report to the Agency concerning industrial discharge of PCBs and the assessment of wastewater management and treatment technology, including technologies which are actually in use or which are or may be available to industries to control or eliminate the discharge of PCBs. This report is entitled "Assessment of Wastewater Management, Treatment Technology, and Associated Costs for Abatement of PCB Concentrations in Industrial Effluents," and is hereby incorporated by reference as a part of the statement of basis and purpose of the standards herein proposed, along with a supplement thereto entitled "PCBs Water Elimina-

tion/Reduction Technology and Associated Costs, Manufacturers of Electrical Capacitors and Transformers; Addendum to Final Report, Task II."

Copies of the aforesaid criteria document and reports and supporting materials, as well as other materials which form a part of the basis and purpose for these standards and which are listed on Appendix A below, are available for public inspection and copying at the U.S. Environmental Protection Agency, Public Information Unit, Room 2922 (EPA Library), 401 M St., SW., Washington, D.C. 20406, during normal business hours. Copies of the criteria document and technology report and supplement may also be inspected and copied at libraries in each of the 10 EPA regional offices.

The approach utilized in arriving at the standards herein proposed may be generally stated as follows.

First, because the most important element in setting the standards is the toxicity considerations enumerated in section 307(a)(2), the starting point is the development of the criteria document, which sets forth extensive data with respect to the environmental effects and behavior of PCBs. A principal objective of the criteria document is to seek to arrive at an ambient level of PCBs based upon the data which will provide an ample margin of safety for all important aquatic organisms and others up the food chain, including man, who may become exposed to it. This ambient water criterion is expressed as a concentration of the pollutant in the water in terms of micrograms per liter ($\mu\text{g/l}$) (1 $\mu\text{g/l}$ = one part per billion). For substances such as PCBs where the data indicate that chronic toxic effects may occur at extremely low concentrations, it becomes virtually impossible to state with confidence that any number above zero provides an ample margin of safety for man. In such cases any criterion level chosen should be appropriately qualified to reflect these circumstances.

The toxicity data used in developing these proposed standards were derived from laboratory studies as well as field observations on the effects and behavior of PCBs. These studies have been conducted on a variety of organisms including invertebrate, vertebrate, and mammalian test species, and are well documented in the scientific literature. These studies provided extensive acute and chronic toxicity data based primarily on feeding experiments for a wide range of aquatic organisms and consumers of aquatic organisms.

Studies documenting bioaccumulation in the food chain organisms and bioconcentration by organisms directly from the water provided an important additional component data base. Appropriate human toxicity data and studies

of mammalian carcinogenesis, where available, were also considered, as were data on persistence and degradability.

Data on toxic effects of pollutants are not available for all species that may be exposed to toxic pollutants in the complex ecosystem. There is a vast number of species throughout the entire ecosystem, and it would be impractical to try to gather test data on every one, or even most of them. Because such data are not available on all species, the range of sensitivity of a smaller number of tested species is used to provide a measure of the range of sensitivity of all species. The Agency's criterion for PCBs is based upon a wide range of toxicity data for a phylogenetic cross section of organisms as well as species representative of a wide geographic distribution.

Section 307(a) requires consideration of the importance of organisms likely to be affected. Ecological importance of an organism is dependent on the role the organism plays within the ecosystem and upon its relationship to the food chain within the aquatic community and the consumers of aquatic life, including man. Thus, toxicity data for the carnivores at the top of the food chain in a given ecosystem, as well as economically important species such as trout, salmon, menhaden and shrimp are properly considered in the development of a protective criterion level. Toxicity data for organisms such as diatoms, crustaceans and aquatic insects are also important since these organisms are a food base for higher consumers and are representative of plants and invertebrate species found in most waters of the United States.

On the basis of the foregoing data, a concentration level is sought which, it is believed, will provide that degree of safety required by the Act for all important organisms likely to be affected by it assuming a continued or chronic presence of the pollutant at that level in the water. In the case of PCBs, as discussed below, this proved to be an extremely difficult task in view of the already dangerously high levels of PCBs in some water bodies.

After arriving at an ambient water criterion, the Agency examined feasible control technology to ascertain what concentration levels industrial dischargers might be able to achieve in their effluents, the availability of substitute products for PCBs, and other factors relevant to the setting of standards. This process is discussed more specifically below (see "Rationale for Standard"), after the following summary of the Agency's consideration of the available data base.

(1) *Composition, chemical and physical characteristics of PCBs.* The commercial mixtures of PCBs have been reasonably well characterized. Each mixture contains 10 to 20 major components and a number of minor components; more than 80 of the 209 chlorinated biphenyl (CB) isomers have been identified in the commercial mixtures. After release into the environment the constitution of the mixtures changes as some components are degraded while others persist. Since

¹ The Agency also intends that the criteria document and technology report and supplement be made available through the National Technical Information Service in Springfield, Virginia.

some components are more toxic than others, this complicates the evaluation of the hazards posed by environmental residues.

Highly toxic impurities, polychlorinated dibenzofurans (PCDFs), are present in small quantities in the range of 1 to 33 milligrams per liter (mg/l) in most commercial mixtures. Products manufactured overseas frequently contain more PCDFs than American-made Aroclor mixtures. There is evidence that PCDFs may be formed from PCBs both in service, and in the environment by photochemical and metabolic processes. Accordingly, the toxicity of PCB mixtures is variable and environmental residues are sometimes more toxic than freshly manufactured products. However, it is not possible to separate the toxic effects of PCDFs and PCBs satisfactorily, and the environmental hazards of both must be considered together.

PCBs are viscous liquids or waxes. They are freely soluble in organic solvents and in lipids (fats), but have very low solubility in water. In general, those PCBs with fewer chlorine atoms per molecule are more soluble in water and more volatile than those with greater chlorine atoms per molecules. Accordingly, the mixtures are differentiated during volatilization and solution, the lower CBs being more mobile. PCBs are strongly adsorbed onto surfaces and particles. In the aquatic environment their behavior is often controlled by the presence and movement of sediments.

(2) *Relevant use and wastewater characteristics*—(A) *Manufacturing of PCBs*. The sole domestic manufacturer of PCBs is the Monsanto Industrial Chemicals Company ("Monsanto"), whose manufacturing operations are conducted at its William G. Krummrich plant in Sauget, Illinois. Aroclors 1221 and 1016 are used by capacitor manufacturers as dielectrics. Aroclors 1242 and 1254 are used as principal ingredients in formulating the Askarels used by transformer manufacturers.

Monsanto discharges its effluent to the Sauget POTW, and therefore is not covered by the standards proposed at this time. The Agency expects in due course to propose pretreatment standards applicable to this facility and to any other facility which may in the future manufacture PCBs. A brief discussion of Monsanto's operations and wastewater characteristics is appropriate here, however, in view of the fact that standards are proposed at this time for direct discharges for the PCB manufacturing category for existing and new sources. Monsanto's ability to achieve zero direct discharge was also considered in proposing these standards.

The Krummrich plant has a design capacity to produce 48 million pounds of PCBs per year. In 1974, Monsanto produced 40,466,000 pounds, of which 34,406,000 pounds were sold domestically. Approximately two-thirds of 1974 domestic sales were of Aroclor 1016 with most of the remaining production evenly divided between Aroclors 1242 and 1254. Only small quantities of Aroclor 1221 were produced.

The raw wastes from the manufacturing area at Monsanto consist of the liquor from the scrubber, the condensate from the steam jet ejectors, water used for showers and eye baths, miscellaneous floor wash drains, waste oil collected in drip pans and drums, and so-called "montars" which are the bottoms from their stills. The composition and quantities of the individual waste streams are not monitored. All effluent streams generated in the manufacturing area are collected in sumps located in this area. Reportedly the aqueous discharges amount to 750 gal/1 PCBs in 0.432 million gallons per day ("MGD") or 2.7 lb/day.

The raw wastes generated in the incinerator area at Monsanto consist of the venturi scrubber liquor and the waste phase from the oil-water separator sump. Reportedly the aqueous discharges from this area amount to 15 gal/1 PCBs in 0.288 MGD or 0.36 lb/day. The total plant uses a maximum of 0.389 MGD of water principally for cooling and a maximum of 360,000 lbs of steam.

In addition to the aqueous discharges, it has been estimated that about 25 lbs. of scrap oil and "monstar" are produced per ton of PCB produced, that about 5½ lbs of PCB in contaminated solids per ton of PCB produced are landfilled daily and that less than 1 lb/day of PCBs is lost as air emissions.

(B) CAPACITOR MANUFACTURING

There are nineteen plants operated by seventeen companies manufacturing PCB impregnated capacitors in the United States. At the present time approximately 95 percent of all liquid-filled capacitors manufactured in the United States are of the PCB impregnated type. The two most frequent applications of these capacitors are for phase corrections on power lines connected to electrical motors and for use as ballast for fluorescent lighting systems. The PCB usage in this category was approximately 22,000,000 lbs. in 1974 with most of this being Aroclor 1016. At least seven of the nineteen capacitor manufacturing plants have direct discharges to the navigable waters and are therefore covered by the standards proposed at this time.

Most plants manufacture either large power capacitors or small industrial type units but not both. The large capacitors are either flood filled or manifold filled. All small capacitors are flood filled either in a vacuum tank or in an automatic "carousel" arrangement.

The raw wastes originating from these plants consist of scrap PCBs collected in sumps, drums and drip pans; contaminated vacuum pump oils; the fractionator bottoms from the trichloroethylene recovery; the caustic bath used at some plants, for purposes of paint stripping; spent detergent wash and rinse water from capacitor or component cleaning operations; rinse water used in the welding and plating operations; steam condensate from jet ejectors; the seal water used in vacuum pumps; water used in phosphatizing and fluoride bath; water spray used in paint booths; boiler blowdown; and cooling tower blowdowns.

Effluents from plants in this category range between 2,500 gallons per day to 1.26 MGD. These effluents are discharged into the navigable waters or are introduced into POTWs without any treatment directed toward PCB removal. Effluent information obtained for 14 plants indicated that average effluent PCB concentrations ranged from less than 10 µg/l to more than 6,000 µg/l. Average mass emissions of PCBs from these plants ranged from less than 0.01 lb/day to nearly 2.5 lb/day.

(C) TRANSFORMER MANUFACTURING

There are eighteen transformer plants operated by thirteen companies which manufacture transformers using PCB-containing Askarel dielectric fluids. Askarel transformer oils are blends of 60 to 100 percent Aroclor 1254 or 1242 and trichlorobenzene. This type of transformer constitutes only five to ten percent of these plants' transformer manufacturing volume. The remaining manufacturing volume uses mineral oil as the dielectric fluid, and there is some manufacture of air-cooled or gas-cooled transformers as well. Askarel transformers are used when other types are unsatisfactory because of design limitations or where flammability is a problem. The PCB usage in this category was approximately 12,000,000 lbs in 1974. At least three of these plants have direct discharges and are therefore subject to the standards proposed at this time.

There are two principal types of transformers produced: electrical distribution transformers which are used to step down voltages, and power transformers which are primarily used to step up voltages. Distribution transformer applications include use in networks, pad-mounted and pole-mounted, and special precipitator power supplies located in closed proximity to hot gas stacks. Quantities of Askarel used in transformers of this type range from 500 to 5,000 lbs each. Many of these transformers have provisions for venting with spring loaded venting devices or diaphragm rupture discs.

Askarel power transformer applications include use in primary and secondary substations, industrial furnaces, rectifiers, rail transportation, and for reactance and grounding functions. Quantities of Askarel used in transformers of this type range up to 19,000 lbs.

Various transformer assembling and filling procedures are being practiced throughout the industry. In general, the transformer assembling and filling operations consist of a predrying step for removing moisture from the transformer interiors, several stages of Askarel filling and topping, addition of electrical connections and bushings, electrical testing and sealing.

Water is not an essential component of transformer manufacturing. In general, the process raw wastes from these plants consist of waste Askarel collected in sumps or pans at the filling stations, contaminated vacuum pump seal oil, contaminated kerosene-like petroleum distillate, and contaminated Askarel used

for transformer interior flushing. PCB wastes which reach water streams at these plants are due to occasional loss during handling and residuals accumulated around drainage systems from past operations when insufficient precautions were taken against PCB losses.

Based on information from five plants, effluents from plants in this subcategory ranged from 13,500 gal/day to nearly 1.9 MGD. These effluents (predominantly cooling water) are discharged into the navigable waters or are introduced into POTWs without any treatment directed toward PCB removal. Average effluent PCB concentrations ranged from less than 2 µg/l to nearly 30 µg/l. Average mass emissions of PCBs from these plants range from less than 0.002 lb/day to nearly 0.1 lb/day.

(3) *Toxicity.* PCBs inhibit growth and cell division in certain species of phytoplankton (single-celled aquatic plants). Some sensitive species are affected at very low concentrations (0.1 µg/l). The effects are particularly marked in mixed cultures, where sensitive diatoms are replaced by resistant green algae.

PCBs are toxic to aquatic insects, crustaceans, and other invertebrates at concentrations down to a few µg/l. Reproduction and growth in aquatic invertebrates are adversely affected at concentrations as low as 0.4–0.5 µg/l. PCBs affect the settlement of larvae and reduce the diversity of marine invertebrate communities at concentrations as low as 0.1 µg/l.

PCBs are acutely toxic to estuarine aquatic organisms. For Aroclors 1016, 1242 and 1254, the 48-hour LC50 values for brown shrimp, pink shrimp, and grass shrimp fall in the range between 9 and 32 µg/l. In longer-term bioassays of two weeks or more, Aroclor 1254 is toxic to the commercially valuable penaeid shrimp and grass shrimp at concentrations as low as 0.9 to 1.4 µg/l. Arthropods are affected at 0.1 µg/l.

Rainbow trout have been killed by exposure to Aroclor 1248 at concentrations of 3.4 µg/l in 25 days, and by exposure to Aroclor 1260 at 5 µg/l in 10 days. Spot and pinfish died when exposed for 14 to 45 days to 5 µg/l of Aroclor 1254. The longnose killifish has been killed by long-term exposure to Aroclor 1254 at a concentration of 1 µg/l.

PCBs have adverse effects on survival, growth, and reproduction of fish at concentrations as low as 1 µg/l. In one case, eggs from fish exposed to only 0.1 µg/l failed to hatch after being placed in PCB-free water. A variety of other sublethal toxic effects have been observed on a wide range of freshwater and marine fish present in waters throughout the country, and these are set forth in detail in the Agency's criteria document for PCBs.

PCBs generally have low acute toxicity to birds and mammals, but long-term dietary exposure leads to a variety of chronic toxic effects.

Rats are relatively resistant to PCBs and usually do not show the characteristic lesions of the skin and stomach induced in several other mammals. The

most characteristic effects in rats are enlargement of the liver, induction of hepatic microsomal enzymes and porphyria. Reproduction is adversely affected at dietary levels at and above 20 parts per million (ppm); 1 ppm is comparable to a liquid measurement of 1 milligram per liter (1 mg/l).

Rhesus monkeys are extremely sensitive to PCBs, which induce skin lesions and gastric ulceration. Monkeys exposed to 2.5 ppm suffered reproductive dysfunctions and some died after exposure to only 3 ppm. Adult female Rhesus monkeys fed 25 ppm of Aroclor 1248 not only accumulated the PCBs in their adipose tissue, but the PCBs were transferred across the placenta of one female which gave birth and concentrated at high levels in the fat and adrenals of the infant.

Mink are also very sensitive to PCBs. In one experiment, most females died on a diet containing 10 ppm and none produced young at 5 ppm. In another test 0.64 ppm caused total reproductive failure and a few deaths.

(4) *Carcinogenesis.* On prolonged exposure of rats and mice, PCBs cause a variety of morphological changes in the liver, including hypertrophy, hyperplasia, adenofibrosis and nodular hyperplasia. At high dose levels (100 ppm and above) PCBs induce hepatomas, neoplastic nodules and carcinomas in rats and mice and therefore pose a presumptive carcinogenic risk to man. In one experiment, PCB-treated rats also displayed an increased incidence of pituitary tumors.

Metabolism of PCBs in mammals and birds proceeds primarily through arene oxide (epoxide) intermediates, which are biologically active and believed to be highly toxic and carcinogenic. PCBs also have immunosuppressive effects in rabbits and guinea pigs. In several experiments treatment with PCBs has increased the susceptibility of animals to various diseases.

(5) *Human health effects.* Humans occupationally exposed to PCBs sometimes suffer from an occupational disease known as chloracne, characterized by long-lasting skin lesions and sometimes systemic disturbances.

In a large-scale poisoning incident in Japan in 1968, more than 1,000 persons became sick with Yusho disease after ingesting rice oil contaminated with both PCBs and PCDFs. Their symptoms were similar to those of occupational chloracne, but also included hyperpigmentation of the skin, persistent eye discharge and gastric disturbances. Children were affected not only by direct ingestion of the contaminated oil, but also prior to birth by transplacental passage and in one case a child was contaminated by its mother's milk. The affected persons have improved only slowly since 1968 and there are already indications of excess cancer incidence.

The Rhesus monkey provides an important indication for human sensitivity to PCBs and, as noted above, is extremely sensitive to low levels of exposure. The symptoms following exposure appear si-

milar in many respects to those observed among the population contaminated in the Yusho incident.

(6) *Persistence, mobility and degradability.* PCBs have a long life in the environment, often in excess of 25 years, but components with three or less chlorine atoms disappear rapidly. Mono-, di, and tri-PCBs are to some extent degraded or metabolized by bacteria, but higher PCBs are resistant to microbial degradation. Tetra-chlorinated PCBs can be metabolized by birds and mammals, but pentachlorinated PCBs are resistant and higher CBs are metabolized only very slowly. Most environmental residues have been reported in the form of tetra and higher chlorinated PCBs.

PCBs are mobile in the environment and are carried freely in the air and the water attached to airborne or waterborne particles. Conventional incineration and other disposal techniques do not completely destroy PCBs.

(7) *Bioaccumulation and biomagnification.* PCBs are strongly concentrated ("bioaccumulated") from water into aquatic invertebrates and fish. Bioaccumulation factors (concentration of PCBs in organisms compared to concentration in water) for these organisms are commonly in the range of 20,000–274,000 after prolonged exposure in the laboratory. However, where measurements of concentrations in natural waters are available, bioaccumulation factors in fish and invertebrates are generally larger than those measured in the laboratory. There have been reports that certain animals captured from the aquatic environment have apparently bioaccumulated PCBs in their flesh to levels of between 3 and 10 million times that of the water concentration in which the animals were captured. It is important to note, however, that the level of PCB contamination in the food of the captured aquatic life, as well as the concentration of PCBs in which these organisms resided for the predominance of their life periods, are unknown.

Fish in Escambia Bay, Florida, had PCB levels in their flesh 670,000 over the ambient water in which they were captured. PCB levels in the waters of Lake Michigan average around .01 µg/l. However, PCB levels in fish in Lake Michigan range in the 2 to 20 ppm range, wet weight (16–200 ppm, lipid weight) indicating an apparent bioaccumulation factor ranging up to at least 2,000,000 in whole fish. Levels of PCBs in some whale and seal blubber were found to be in excess of 1 million in the ambient water concentration in which the animals were taken.

PCBs are further concentrated (bio-magnified) from the food of birds and mammals into their tissues, especially into their fat. Biomagnification factors (ppm in organisms/ppm in food) are often in the range 1 to 10 after prolonged exposure in the laboratory, but are often as high as 10 to 100 in wild animals and birds. Humans store PCBs in their fat more efficiently than any animal for which precise measurements have been

made. This leads to greater exposure to sensitive organs and tissues in humans than in animals exposed to the same concentrations of PCBs in the diet. The data indicate, in particular, that Aroclors 1016 and 1242 are widely present in fish in the United States. This in turn leads to substantial exposure of humans and other fish-eating animals.

(8) *Ambient water criterion for effects on natural systems.* The foregoing summary briefly highlights the extensive data base set forth in the criteria document. This data base demonstrates that PCBs pose a serious threat to a wide range of aquatic and other food chain organisms, as well as to human health, at very low concentration levels. There appear to be some variations in the toxic effects for different isomers. Thus, the more highly chlorinated isomers appear to be somewhat more persistent in the environment, while the lower chlorinated isomers appear to be somewhat more acutely toxic. These differences are relatively minor, since all isomers which are significant constituents of commercial mixtures of PCBs are highly persistent and mobile in the environment, and all isomers display a degree of toxicity which is a matter for grave public concern. Moreover, the composition of PCB mixtures changes as they are transported through the environment. There is also evidence that toxic metabolites, or breakdown products, may be formed, so that the chemical species distribution in a water body may not be the same as the species distribution of the substance discharged. For all these reasons, there appears to be no sound basis for setting different criterion numbers or standards for different isomers, and accordingly, the criterion and standards herein proposed are for PCBs generically.

A criterion level of 0.001 $\mu\text{g/l}$ would appear to avoid adverse effects to most aquatic organisms, based upon an analysis of both laboratory and field data. This level is based primarily on the bioaccumulation properties of PCBs. Fish have been shown to accumulate PCBs by factors as high as 274,000 in the laboratory, while considerably higher factors appear to occur in their natural environments. Based upon a bioaccumulation factor of 274,000 a concentration of 0.001 $\mu\text{g/l}$ could result in bioaccumulation to 0.274 ppm in flesh, which is below the dietary levels which have been shown injurious to aquatic birds and mammals who may feed upon them. In addition, however, there is evidence that in some waters some fish bioaccumulate at rates roughly ten times this, and in waters where the chronic level generally exceeds 0.01 $\mu\text{g/l}$, such as Lake Michigan, there is evidence of sublethal toxic effects on the fish.

In proposing this ambient water criterion the Agency recognizes the possibility that such water quality level may not provide absolute safety for all organisms in all waters. Indeed there probably is no numerical concentration level above zero which one can at this time say with great confidence provides an

"ample margin of safety" for all organisms under all circumstances. However, the data do establish, at this time, that an ambient water quality level of 0.001 $\mu\text{g/l}$ should not be exceeded.

To assess risks to humans, the most critical toxic effects of PCBs are those observed in mammals at the lowest exposure levels. These include:

- (i) Mortality and reproductive failure in mink at a dietary level of 0.64 ppm.
- (ii) Increased liver weight in weanling rats in the second generation of animals exposed to 1 ppm, and liver pathology (including nodules) in the second generation exposed to 20 ppm.
- (iii) Stomach nodules and ulcerations in dogs at a dietary level of 1 ppm: Stomach lesions have also been reported from other species including monkeys, pigs and mink.
- (iv) Reproductive failure, dermal and stomach lesions in Rhesus monkeys exposed to 2.5 ppm and deaths at 3.0 ppm.
- (v) Increased activity of hepatic microsomal enzymes in rats fed at 0.5 ppm for 4 weeks.
- (vi) Carcinogenic effects in rats and mice at dietary levels of 100 ppm and above.
- (vii) Apparent increase in incidence of pituitary tumors in rats at dietary levels of 1 ppm and above.
- (viii) Widespread presence of PCBs in fish and other organisms regularly consumed by humans.

All if these effects are relevant in weighing potential adverse effects of PCBs on humans. In particular, the symptoms of poisoning in monkeys, including dermal and gastric lesions, are parallel to those observed in man; enzyme induction is a basic biochemical effect which has been observed in many species; carcinogenic effects in rodents are generally used to predict potential carcinogenicity in humans.

It is difficult to use the results of these experiments to establish acceptable levels of exposure for humans: (a) Because many of the listed effects were reported at the lowest dietary levels investigated; (b) because humans are exposed for much longer periods (including prenatal exposure) than the experimental animals; and (c) because humans are known to store PCBs in their tissues more efficiently than the experimental animals. These data do, however, further support the proposition that an ambient water quality level of 0.001 $\mu\text{g/l}$ should not be exceeded, and, beyond this, that every reasonable effort should be made to limit discharges of PCBs in order to minimize human exposure.

(9) *Control technology available.* At the present time there are no direct discharges of PCBs from a PCB manufacturer and thus no in-place technology to evaluate. The only U.S. manufacturer, Monsanto, discharges to the Saugatuck, Illinois POTW. With respect to process waste effluents from PCB users, water is unnecessary to the processes involved in the manufacture of liquid-filled capacitors or transformers. Consequently for process waste (with certain specified

exceptions), a prohibition on discharge is achievable based upon currently available technology and handling methods.

Based upon detailed plant inspections and examinations of the process steps in the use of PCBs in the manufacture of capacitors and transformers it has been determined that the characteristics of these wastes are sufficiently similar so that the same kinds of control and treatment technologies are applicable.

The wastewater characteristics for manufacturers of capacitors and transformers have been described above. Data available to the Agency indicate that water can be eliminated from most if not all of the manufacturing-related processes, with the result that potential effluents can be sufficiently reduced in quantity so that they can be incinerated or otherwise disposed of so as to reduce greatly or eliminate any discharge of process wastes to the navigable waters. Where large volumes of water are used, treatment and subsequent recycling can reduce quantities of unavoidable blowdowns to amounts suitable for treatment by activated carbon and discharge or by incineration.

With respect to capacitor manufacturing wastes, the scrap PCBs collected in sumps, drums, and drip pans, as well as fractionator bottoms from trichloroethylene recovery, are small in amount, and can be incinerated. The same is true for contaminated vacuum pump oils and any caustic baths used for paint stripping. With respect to capacitor and component cleaning operations, cleaning solvents rather than water can be used, and then incinerated following use. Water used in phosphatizing and fluoride baths by some plants can be eliminated, along with the entire process, by use of aluminum containers.

Capacitor manufacturers who use steel containers generally paint their products, which produces a waste resulting from water spray used to control paint particles and fumes. This process can be eliminated through use of aluminum containers which need not be painted. If painting is nevertheless desired, effluent discharge can be avoided by use of an air or electrostatic system instead of a waterfall for trapping paint particles and fumes.

Aqueous discharge from cooling tower blowdowns can be reduced by use of a recycling system based on demineralization or, alternatively, by incineration of blowdown. Any solid waste residue, which will not include PCBs, can be disposed of by landfill. Boiler blowdown, which is not likely to contain any PCBs, can be sealed in drums and landfilled or treated by the activated carbon treatment system.

With respect to transformer manufacturers, as with capacitor manufacturing, all scrap PCBs collected in sumps or pans can be incinerated. Contaminated vacuum pump seal oil, petroleum distillate, and askarel used for transformer interior flushing can also be incinerated. Each of these controls has been demonstrated by use by at least one of the covered plants.

Several potential sources of process-related waste may in some cases result in effluents which cannot be avoided feasibly in the near term: Rinsewater used in welding, painting or plating operations, and scrubber and quench water from incinerator operations.

These categories of process-related discharges, as well as non-process related effluents, including plant washdown, non-contact cooling water, and runoff from stormwater or spills, can be treated by carbon adsorption as described below.

It should be noted that EPA-sponsored investigations have revealed that there are no in-place processes being employed whereby dissolved or sorbed PCBs in water streams are being either extracted from those streams or destroyed within them. In general, these waste streams contain concentrations of PCBs of less than 1 µg/l up to about 500 µg/l with many instances occurring in the 10 to 50 µg/l range. While several of the plants have practiced PCB segregation to keep the quantity of contaminated wastewaters as low as possible, none has installed full scale terminal PCB removal facilities.

The EPA through its contractor, Versar, Inc., has identified a technology which will reduce the PCB concentration in wastewaters to 1 µg/l or less and which is capable of being installed within one year. The identified system is based upon activated carbon adsorption, following primary treatment consisting of sedimentation, filtration, and skimming. The feasibility of achieving the 1 µg/l or less level has been demonstrated in laboratory tests conducted cooperatively between Versar, Inc., and two activated carbon suppliers, Carborundum Company and ICI-U.S. The system consists of an equalization-settling tank and mixed media filtration followed by carbon adsorption. Floatables and sludges from the equalization-settling tank and spent carbon are disposed of by incineration. Carbon adsorption has also been successfully used in full-scale operation to achieve removal of pollutants other than PCBs down to comparably low levels.

Based on work performed cooperatively between Versar, Inc., and Houston Research on one system and Westgate Research on another system, it was indicated that systems employing ozonation in conjunction with ultraviolet radiation can be designed to achieve any desired effluent PCB concentration. Preliminary comparisons of the capital costs between the ozone-UV system and activated carbon system show at least a 100 percent greater cost for the ozone-UV system. When pretreatment costs are included the ozone-UV system is only about 10 percent higher than activated carbon. It is doubtful however, that the ozone-UV system could be installed within one year, the maximum period of time between promulgation and the effective date of these standards.

Other systems evaluated included adsorption by polymeric resins, catalytic reduction and catalytic oxidation. In-

sufficient information was available to evaluate these systems.

(10) *Economic impact.* The Agency recognizes that there may be significant costs and economic impacts associated with the standards proposed at this time. The Agency has made a preliminary assessment of costs and economic impact, which is summarized below. Preliminary cost estimates, as set forth in the report submitted by Versar, Inc. (See Appendix A hereto, item 4), indicate that compliance with the proposed standards may result in additional costs of production equal to or greater than five percent of the selling price of the products (transformers and capacitors), thus identifying this regulation tentatively as a major action requiring the preparation of an Inflation Impact Statement (IIS) pursuant to Executive Order 11821. A more detailed assessment is currently being prepared by the Agency, and will be accompanied by an IIS, if necessary. The availability of these documents upon their completion will be announced in the FEDERAL REGISTER, and public comments thereon will be invited. These documents, together with all public comments thereon which are received by the Hearing Clerk postmarked not later than thirty days following the aforesaid notice of availability of these documents, shall be made a part of the record of these rulemaking proceedings (see Public Participation in Rulemaking Process, below). The standards are being proposed at this time prior to completion of the economic impact assessment in light of the order and decree entered by the United States District Court in *Natural Resources Defense Council et al. v. Train*, Civ. No. 2153-73, and consolidated cases, on June 9, 1976, requiring proposal of these standards by July 14, 1976.

The Agency's preliminary assessment of costs and economic impact suggests that transitional impacts may be significant. The preliminary estimate of the cost of compliance indicates aggregate capital costs for the direct dischargers of \$12 million and total annual costs of \$7 million (based on a 3-year depreciation schedule). The annualized costs represent 5 to 21 percent of current selling prices for transformers and 3 to 17 percent for capacitors, the indicated ranges resulting from the types of transformers and capacitors produced. These costs may be of sufficient magnitude to induce closures of some small and/or marginal plants and conversion to substitute materials for others. It is not certain that such conversions could be carried out in the one year allowed by the Act without causing disruption of the supply of transformers and capacitors. Additional analysis will be carried out to assess more completely these types of impacts, as well as to identify other types of economic effects.

In addition, the EPA is currently engaged in issuing NPDES permits pursuant to section 402 of the Act applicable to point sources which will be covered by those proposed standards. In some instances the limitations being proposed in

those permit proceedings are less stringent than the limitations which would be required by these proposed standards under section 307(a). The Agency invites comments on the comparative technology, costs, and resulting economic impacts associated with those limitations as compared with the standards hereinafter proposed. If interested persons believe that a modified standard is preferable to that proposed, they should take appropriate measures to develop and enter into the record the appropriate supporting data and information (see Public Participation in Rulemaking Process, below).

(11) *Rationale for standard.* In discussing the establishment of an ambient water criterion number above, it was emphasized that a concentration of .001 µg/l should not be exceeded and, in addition, that every reasonable effort should be made to limit discharges of PCBs in order to minimize human exposure. Indeed the data suggest that to provide an "ample margin of safety" for human health, and possibly for some other organisms as well, an ambient water criterion far lower than .001 µg/l may be required, though at this time one cannot confidently identify any specific number above zero.

At the present time, even if every point source discharge were prohibited, PCB concentrations in the water would remain for a long time not only above zero, but in some water bodies, above .001 µg/l. Moreover, since the capability does not exist presently to measure PCB concentrations below 0.001 µg/l with any reasonable degree of reliability, no useful purpose would be served in establishing a criterion number below this.

In light of the foregoing considerations, the Administrator has weighed carefully the desirability and feasibility of imposing a prohibition on any discharge of PCBs from any point source. In the case of existing manufacturers, this can be done since the only present PCB manufacturer does not have a direct discharge. A similar requirement is imposed upon new PCB manufacturing sources, who would be required in effect to either achieve a completely closed system or discharge into a POTW. With respect to transformers and capacitors, both these industries provide important products to the United States economy for which there are no presently proven substitutes. Moreover, the best reduction levels which available technology can achieve with respect to an effluent discharge containing PCBs appear to be 1 µg/l through the use of carbon adsorption treatment. This exceeds the ambient water criterion by three orders of magnitude.

Discharge of relatively modest amounts of a pollutant into the water at many times the ambient water criterion may be allowed, however, without necessarily failing to provide safety for affected organisms. First, the actual discharge concentration does not normally remain the ambient concentration. In fact, the effluent disperses following discharge and becomes greatly diluted. The area of di-

lution is often referred to as a "mixing zone", and will vary in size and shape from one body of water to the next and from one discharge to the next. The result of this phenomenon is that once the effluent reaches the outside of the mixing zone, the pollutant concentration may have become diluted by a factor of several hundred or more, and indeed may not even be detectable by the most sophisticated monitoring equipment. Concededly, in some instances there may be adverse effects on some organisms in the immediate vicinity of the outfall. However, for chronic effects to be observed, the exposure time would have to be quite lengthy—perhaps a lifetime. Even acute toxic effects, which normally occur at much higher dosage levels than chronic effects, are generally recorded based upon a 96-hour exposure. Because of the extraordinary persistence of PCBs reliance on mixing zones, while of assistance in the immediate future, cannot be regarded as a long-term solution to the problem.

In developing the proposed standards, the Agency also considered the availability of substitutes for PCBs in transformers and capacitors. Several companies have developed products which they believe are an adequate substitute for PCBs in transformers and efforts are under way to develop substitutes for PCBs in capacitors as well. At this time, however, it is still too early to determine with confidence whether the substitutes are not only functionally effective but, in addition, are safe in terms of potential fire hazard and other safety considerations, and are environmentally safe. The Agency has concluded that it cannot at this time set a toxic pollutant effluent standard, or prohibition on discharge, upon the assumption of the ready availability of a substitute product. However, the Agency is pursuing an active policy to encourage industry to develop as rapidly as possible feasible substitutes for PCBs.

Because of the absence of any proven satisfactory substitute for PCBs in certain transformers and capacitors, it must be recognized that to impose a prohibition on all PCB-containing effluents at this time would probably cause a severe impact on the transformer and capacitor manufacturing industries which utilize PCBs, and deprive the nation of the future availability of products which utilize such transformers and capacitors. Accordingly, in the proposed standards the Administrator is requiring that discharges be prohibited where possible, and that other discharge comply with the very best results which available technology can achieve. For the manufacturing of transformers and capacitors, the standards are based on the following tabulation:

Wastewater type	Type of technology applied
Non-contact cooling water.	Cool in closed radiator system and recycle.
Steam jet condensate.	Replace steam jets with mechanical pumps.
Detergent washing water.	Replace with solvent vapor degreasing.

Wastewater type	Type of technology applied
Boiler blowdowns.	Filter, demineralize, and recycle.
Incinerator scrubber water.	Pretreatment and carbon adsorption to 1 $\mu\text{g/l}$ or less.
Process-associated wastes. ¹	Pretreatment and carbon adsorption to 1 $\mu\text{g/l}$ or less.
Sanitary waste waters.	To POTW.
Rainfall runoff----	Enclose areas or pretreatment and carbon adsorption.

¹ Includes hot solder dip rinse water, phosphatizing bath wastewaters, tin plating bath and rinse waters, fluoride bath and rinse waters and painting water spray. These are small in volume and may occur in only a single plant.

Using this technology results in a prohibition on discharge of PCBs from any point source to the navigable waters involving solely process wastes with the exceptions noted in the above table, which would be treated with activated carbon to the 1 $\mu\text{g/l}$ level or lower. This technology substantiates a standard of a prohibition of PCBs in process wastes (except for certain specified wastes) and treatment of other discharges with activated carbon, reducing PCBs to 1 $\mu\text{g/l}$ or less. Although occasional deviations are unavoidable, at no time may any such allowed discharge exceed 5 $\mu\text{g/l}$ for samples representing a working day.

For new sources, where further technology advances can be reasonably expected, a more stringent limitation may be set to take such expected advances into account, including advances in control technology and in substitutes for PCBs. Limitations of 0.1 $\mu\text{g/l}$ on the daily average per month and 0.5 $\mu\text{g/l}$ maximum at any time should be achievable (the ozonation-UV data so indicate) and are therefore proposed as new source standards for non-process wastewater discharges from transformer and capacitor manufacturers, and from discharges resulting from scrubber and quench water from incinerator operations. For the reasons discussed above, no new source discharge of PCBs will be allowed which result from jet ejectors or rinsewater from welding or plating operations.

The maximum daily permissible concentration is based upon an application factor of five times the maximum average monthly concentration factor. This is provided to take into account the fact that occasional daily concentrations may exceed the required maximum monthly average. They should not be allowed at any time to exceed the lowest feasible ceiling, however, and the Agency's information with respect to carbon absorption and analogous treatment techniques indicate that a variability factor of five is achievable and reasonable.

Translating an ambient water criterion number to an end-of-the-pipe standard is at best an imprecise calculation. The dispersion and dilution factors discussed above are expected to result, in

most receiving waters, in the achievement of the degree of protection envisioned by the Act. The Agency recognizes, however, that there may be a few cases where, because of local receiving water conditions, notably with respect to hydrology, sufficient dispersion and dilution may not take place. To deal with such cases, § 129.7 of Subpart A (the general provisions of Part 129; see standards proposed on June 10, 1976, 41 FR 23576) allows the applicable NPDES permit issuing authority to impose such more stringent effluent limitations as may be required in order to achieve or approach the ambient water criterion level, in this case .001 $\mu\text{g/l}$, at least beyond the boundaries of any reasonable mixing zone. In addition, more stringent levels may be imposed to meet any applicable water quality standard, see § 129.5(e). It is possible that an exercise of these provisions could result in a plant closure.

However, by allowing some consideration for technology in the initial standard-setting, even though consideration of ecological and health effects are paramount, the approach taken under these standards makes it reasonably probable that if there are to be any shutdowns, they will occur only after a site-specific examination, and only because of a failure to meet the safety requirements of section 307(a).

Finally, it is recognized that to allow a discharge at the proposed levels may pose some risk of adverse effects to some organisms, particularly those located near the outfall, and possibly to the consumers thereof. However, based upon preliminary information, this risk is deemed to be outweighed at this time by the social and economic benefits represented by not setting a standard which would force widespread closures of plants manufacturing capacitors and transformers, which would in turn be likely to sharply curtail the nation's supply of these essential products, or lead to importation of products containing dielectrics which are even more environmentally hazardous.

(12) *Subsequent review of standards.* It continues to be the goal of the Agency to reduce the presence of PCBs in the environment to the greatest extent possible as rapidly as feasible, for all of the reasons outlined above. Indeed, as additional data become available to the Agency, it may be necessary to revise in subsequent proceedings both the standards and the ambient water criterion established pursuant to the present rulemaking in the direction of greater stringency in order to provide the degree of safety required by the Act.

The Agency is obligated to review and where necessary, revise its section 307(a) standards at least every three years. The Agency intends to review the proposed standard one year following promulgation, with the expectation that industry will have made significant strides towards the development of reliable substitutes for PCBs, as well as in the field of control technology, so that a prohibition on all discharges of PCBs in any industrial effluent can be considered at that

time, including sources not covered by the standards proposed at this time.

III. PUBLIC PARTICIPATION IN RULEMAKING PROCESS

A public hearing to consider the proposed effluent standards will be held pursuant to section 307(a)(2) of the Act commencing on August 20, 1976, at 10:00 a.m. in Room 2409, Waterside Mall, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. In accordance with the Agency's rules of practice governing public hearings on effluent standards for toxic pollutants, 40 CFR Part 104 as amended, 41 F.R. 17898 et seq. (April 29, 1976), the first hearing day shall include a prehearing conference at the above time and place. All persons interested in participating in those hearings as objecting parties should refer to the amended rules of practice, 41 F.R. 17898 et seq., and should not rely on previous editions. Any person who has any objection to any standard proposed herein may file with the Hearing Clerk (A-100), Room 1019 WSME, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, within 25 days of the date of this notice, a statement of objection in triplicate which shall meet all of the requirements of 40 CFR 104.3 (a) and (b). These Sections require, among other things, actual receipt by the Hearing Clerk of any objection within the aforesaid time. The presiding officer may refuse to permit any person to participate in said hearing who fails to comply with any of the provisions of those sections.

In addition to the foregoing, any person interested in this proposed rulemaking but who does not participate as a party in the formal hearing may submit written comments to the Agency on the proposed rulemaking. Such comments should be filed in triplicate, if possible, and should be addressed to: Hearing Clerk (A-100), Room 1019 WSME, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. All comments which are received by the hearing clerk and which are postmarked on or before August 20, 1976 shall become a part of the hearing record in the manner prescribed in 40 CFR 104.3(d) and shall be considered by the Administrator prior to the promulgation of final standards.

In addition, in accordance with the discussion above concerning economic impact of the standards proposed at this time, the Agency will publish in the FEDERAL REGISTER approximately ninety days following the date of publication of this notice of proposed rulemaking an announcement of the availability of the Agency's economic impact assessment with respect to the proposed standards. The document or documents setting forth this assessment shall be made part of the record of the rulemaking proceedings on these proposed standards, together with all comments directed specifically thereto which are received by the Hearing Clerk at the above address, and which are postmarked not later than

thirty days following the aforesaid notice of availability. All parties to the public hearing on the proposed standards shall be allowed a reasonable opportunity to examine this economic impact assessment and any comments therein, and to respond thereto on the record. To this limited extent and for this limited purpose only, I hereby waive the time deadline requirements for the filing of public comments under § 104.3(d) of the Agency's Rules of Practice for Public Hearings on Effluent Standards for Toxic Pollutants, 40 CFR Part 104, as amended, 41 FR 17898 (April 29, 1976), so as to allow the filing of materials and comments described in this paragraph within the time period herein set forth, and I accordingly direct the presiding officer at the public hearings to be conducted on these proposed standards to ensure that the record includes all materials which are filed in conformity with this paragraph. The Agency has the legal authority to modify or waive strict compliance with its rules of practice in exceptional circumstances such as the foregoing when the ends of justice require. Cf. *American Farm Lines v. Black Ball Freight Service*, 397 U.S. 532 (1970) and cases cited therein.

Dated: July 14, 1976.

RUSSELL E. TRAIN,
Administrator.

APPENDIX A

1. Criteria Document for Polychlorinated Biphenyls (EPA, Ian C. T. Nisbet, Ph. D., 1976), including general introduction.
2. PCBs in the United States Industrial Use and Environmental Distribution (Doc. No. EPA 560/6-76-005 February 25, 1976).
3. Assessment of Wastewater Management, Treatment Technology and Associated Costs for Abatement of PCBs Concentrations in Industrial Effluents (Doc. No. EPA 560/6-76-006 February 3, 1976).
4. PCBs Water Elimination/Reduction Technology and Associated Costs, Manufacturers of Electrical Capacitors and Transformers; Addendum to Final Report, Task II (July 2, 1976) (supplements item 3).
5. Conference Proceedings of the National Conference on PCBs (Doc. No. EPA 560/6-75-004; Conference held November 1975; proceedings published March 1976).
6. Notice of Proposed Rulemaking: EPA Proposal of Toxic Pollutant Effluent Standards for Aldrin/Dieldrin, DDT (DDD, DDE), Endrin and Toxaphene, 41 FR 23576 (June 10, 1976).

1. In 40 CFR Part 129, Subpart A (as proposed at 41 FR 23576 (June 10, 1976) and amended at 41 FR 27017 (June 30, 1976) the table of contents is further amended to read as follows:

PART 129—TOXIC POLLUTANT EFFLUENT STANDARDS

Subpart A—Toxic Pollutant Effluent Standards and Prohibitions

Sec.	
129.1	Scope and purpose.
129.2	Definitions.
129.3	Abbreviations.
129.4	Toxic pollutants.
129.5	Compliance.
129.6	Adjustment of effluent standard for presence of toxic pollutant in the intake water.

Sec.	
129.7	Requirement and procedure for establishing a more stringent effluent limitation.
129.8	Compliance date.
129.9-129.99	[Reserved]
129.100	Aldrin/Dieldrin.
129.101	DDT, DDD and DDE.
129.102	Endrin.
129.103	Toxaphene.
129.104	Benzidine.
129.105	Polychlorinated Biphenyls (PCBs).

AUTHORITY.—Secs. 307, 308, and 501 of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500, 86 Stat. 818, 33 U.S.C. 1251 et seq.).

2. Subpart A of Part 129 is further amended by adding new paragraph (f) to § 129.4 to read as follows:

§ 129.4 Toxic pollutants.

(f) Polychlorinated Biphenyls (PCBs)—polychlorinated biphenyls (PCBs) means a mixture of compounds composed of the biphenyl molecule which has been chlorinated to varying degrees.

3. Subpart A of Part 129 is further amended by adding new § 129.105 to read as follows:

§ 129.105 Polychlorinated biphenyls (PCBs).

(a) *Specialized definitions.* (1) "PCB Manufacturer" means a manufacturer who produces polychlorinated biphenyls.

(2) "Electrical capacitor manufacturer" means a manufacturer who produces or assembles electrical capacitors in which PCB or PCB-containing compounds are part of the dielectric.

(3) "Electrical transformer manufacturer" means a manufacturer who produces or assembles electrical transformers in which PCB or PCB-containing compounds are part of the dielectric.

(4) The ambient water criterion for PCBs in navigable waters is 0.001 µg/l.

(b) *PCB Manufacturer*—(1) *Applicability.* (i) These standards or prohibitions apply to:

- (A) All discharges of process wastes;
- (B) All discharges from the manufacturing or incinerator areas, loading and unloading areas storage areas, and other areas which are subject to direct contamination by PCBs as a result of the manufacturing process, including but not limited to:

- (1) Stormwater and other runoff;
- (2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of PCBs; or to stormwater runoff that exceeds that from the ten year 24-hour rainfall event.

(2) *Analytical Method Acceptable.* Environmental Protection Agency method specified in Part 136 of this chapter, except that a 1 liter sample size is required to increase analytical sensitivity.

(3) *Effluent standards*—(1) *Existing sources.* PCBs are prohibited in any discharges from any PCB manufacturer.

(ii) *New sources.* PCBs are prohibited in any discharge from any PCB manufacturer.

(c) *Electrical capacitor manufacturer—(1) Applicability.* (i) These standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the manufacturing or incineration areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by PCBs as a result of the manufacturing process, including but not limited to:

(1) Stormwater and other runoff; and
(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of PCBs; or to stormwater runoff that exceeds that from the ten year 24-hour rainfall event.

(2) *Analytical method acceptable.* Environmental Protection Agency method specified in Part 136 of this chapter, except that a 1 liter sample size is required to increase analytical sensitivity.

(3) *Effluent standards—(i) Existing sources.* (A) PCBs are prohibited in all process wastes discharged with the following exceptions:

(1) Water used in welding, plating or painting operations; and

(2) Scrubber and quench water from incinerator operations.

(B) All other discharges (including each of the exceptions set forth in the preceding section (A)) from a capacitor manufacturer shall not contain poly-

chlorinated biphenyls concentrations exceeding an average per working day of 1 $\mu\text{g/l}$ calculated over any calendar month; and shall not exceed 5 $\mu\text{g/l}$ in sample(s) representing any working day.

(ii) *New sources.* (A) PCBs are prohibited in any process wastes discharged with the exception of scrubber and quench water from incinerator operations; and

(B) All other discharges from a capacitor manufacturer shall not contain polychlorinated biphenyls concentrations exceeding an average per working day of 0.1 $\mu\text{g/l}$ calculated over any calendar month; and shall not exceed 0.5 $\mu\text{g/l}$ in sample(s) representing any working day.

(4) The standards set forth in this Subsection shall apply to the total combined weight or concentration of PCBs, excluding any associated element or compound.

(d) *Electrical transformer manufacturer—(1) Applicability.* (i) These standards or prohibitions apply to:

(A) All discharges of process wastes; and

(B) All discharges from the manufacturing or incineration areas, loading and unloading areas, storage areas, and other areas which are subject to direct contamination by PCBs as a result of the manufacturing process, including but not limited to:

(1) Stormwater and other runoff; and
(2) Water used for routine cleanup or cleanup of spills.

(ii) These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of PCBs; or to stormwater runoff that ex-

ceeds that from the ten year 24-hour rainfall event.

(2) *Analytical Method Acceptable.* Environmental Protection Agency method specified in Part 136 of this chapter, except that a 1 liter sample size is required to increase analytical sensitivity.

(3) *Effluent standards—(i) Existing sources.* (A) PCBs are prohibited in any process wastes discharged, with the following exceptions:

(1) Water used in welding, plating or painting operations; and

(2) Scrubber and quench water from incinerator operations.

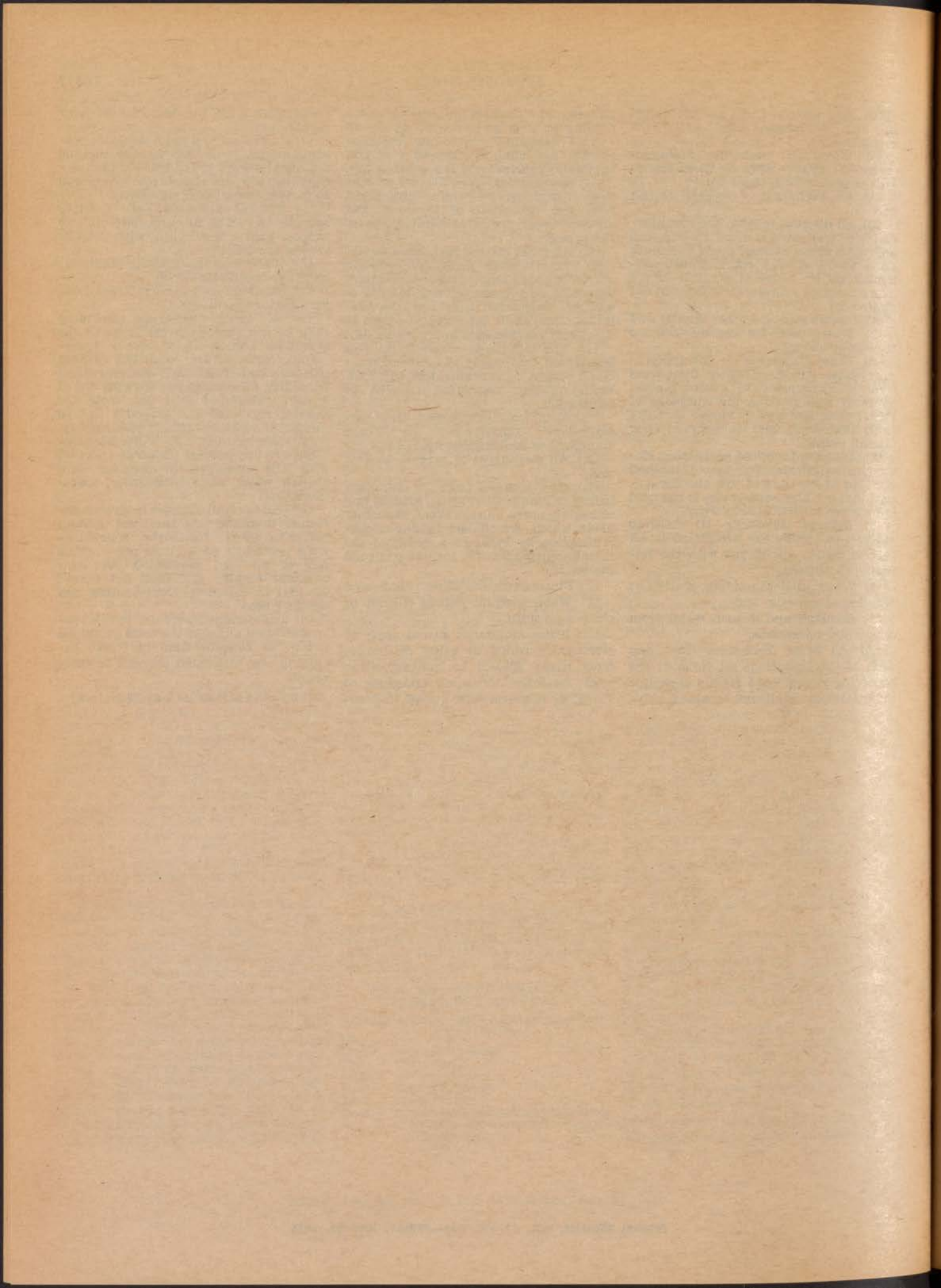
(B) All other discharges (including each of the exceptions set forth in the preceding section (A)) from a transformer manufacturer shall not contain polychlorinated biphenyls concentrations exceeding an average per working day of 1 $\mu\text{g/l}$ calculated over any calendar month; and shall not exceed 5 $\mu\text{g/l}$ in sample(s) representing any working day.

(ii) *New sources.* (A) PCBs are prohibited in any process wastes discharged, with the exception of scrubber and quench water from incinerator operations; and

(B) All other discharges from a transformer manufacturer shall not contain polychlorinated biphenyls concentrations exceeding an average per working day of 0.1 $\mu\text{g/l}$ calculated over any calendar month; and shall not exceed 0.5 $\mu\text{g/l}$ in sample(s) representing any working day.

(4) The standards set forth in this subsection shall apply to the total combined weight or concentration of PCBs, excluding any associated element or compound.

[FR Doc.76-21354 Filed 7-22-76;8:45 am]



federal register

FRIDAY, JULY 23, 1976



PART V:

DEPARTMENT OF LABOR

**Employment Standards
Administration**



MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND
FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determination in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be a part of every contract for performance of the indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDES DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedes Decisions to General Wage Determination

Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedes Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedures for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedes Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Iowa	LA76-4120, IA
	76-4121, IA
	76-4122, IA
	76-4123, IA
	76-4124
Pennsylvania	PA76-3210
Texas	TX76-4127

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AL76-1030	Feb. 27, 1976.
California:	
CA76-5058; CA76-5059	July 2, 1976.
CA76-5061; CA76-5062	June 25, 1976.

Georgia:	
GA75-1025	Feb. 28, 1975.
Hawaii:	
HI76-5048	June 4, 1976.
Maryland:	
MD76-3160	Apr. 9, 1976.
Mississippi:	
MS75-1106	Oct. 31, 1975.
MS75-1109	Nov. 14, 1975.
Nevada:	
NV76-5065	July 2, 1976.
Texas:	
TX76-4033	Feb. 13, 1976.
TX76-4048; TX76-4049	Feb. 20, 1976.
TX76-4079	May 7, 1976.
TX76-4084; TX76-4085; TX	May 21, 1976.
76-4086; TX76-4087; TX	
76-4090.	
TX76-4101	June 18, 1976.
TX76-4110	July 2, 1976.
Washington:	
WA76-5056	June 25, 1976.

SUPERSEDES DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedes Decision numbers are in parentheses following the numbers of the decision being superseded.

Arkansas:	
AR76-4003 (AR76-4130); AR	Jan. 16, 1976.
76-4005 (AR76-4132); AR	
76-4006 (AR76-4129); AR	
76-4007 (AR76-4133).	
Idaho:	
ID76-5047 (ID76-5066)	June 4, 1976.
Kentucky:	
AP-183 (KY76-1080)	May 4, 1973.
AR-4023 (KY76-1077)	Sept. 6, 1974.
AR-4025 (KY76-1078)	Aug. 30, 1974.
KY76-1101 (KY76-1079)	Oct. 17, 1975.
Louisiana:	
LA76-4091 (LA76-4131)	May 21, 1976.
New York:	
NY76-3115 (NY76-3203)	Dec. 12, 1975.
Ohio:	
AR-3042 (OH76-2085)	Aug. 23, 1974.
AR-3044 (OH76-2089)	Sept. 23, 1974.
AR-3176 (OH76-2087)	Dec. 13, 1974.

Texas:	
TX76-4035 (TX76-4126)	Feb. 13, 1976.
TX76-4051 (TX76-4128)	Feb. 20, 1976.
TX76-4089 (TX76-4125)	May 21, 1976.

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

General Wage Determination Decision No. MT76-5027, Flathead and Sanders Counties, Montana only is cancelled. Agencies with residential construction projects pending in these locations should utilize the project determination procedure by submitting form SF-308. See Regulations Part 1 (29 CFR), Section 1.5. Contracts for which bids have been opened shall not be affected by this notice, and consistent with 29 CFR 1.7(b)(2), the incorporation of Decision No. MT76-5027 in contract specifications the opening of bids for which is within ten (10) days of this notice need not be affected.

Signed at Washington, D.C., this 16th day of July 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Iowa

COUNTIES: Adair, Adams, Cass,
 Clarke, Decatur, Fremont, Lucas,
 Mills, Montgomery, Page, Ringgold,
 Taylor, Union & Wayne

DATE: Date of Publication

DECISION NO.: IA76-4120
 DESCRIPTION OF WORK: Heavy & Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CARPENTERS	\$5.16				
CEMENT MASONS	5.09				
LABORERS:					
Common laborers	3.57				
Stake setters, rodmen	3.88				
Form setter	4.40				
Grade checker, form aligner	4.75				
Dumpman	3.86				
Pipelayer, bottomman	4.85				
Sawman	4.04				
Stringman	3.71				
POWER EQUIPMENT OPERATORS:					
Central mix plant, concrete	5.25				
Crane	5.96				
Front end loader	5.24				
Greaser, oiler	4.75				
Mechanic	5.00				
Motor patrol, finish	5.79				
Motor patrol, other	6.00				
Paver, asphalt	3.92				
Paver, C.M.I.	5.00				
Paver, screed	4.50				
Power shovel	5.89				
Roller, farm tractor pulling	4.50				
Roller, other	6.00				
Scraper	6.00				
Tractor, bulldozer	6.00				
Push cat	6.00				
Farm tractor w/attachments	3.74				
TRUCK DRIVERS	3.94				

NEW DECISION

STATE: Iowa

COUNTIES: Buchanan, Cedar,

Delaware, Jackson & Jones

DATE: Date of Publication

DECISION NO.: IA76-4122

DESCRIPTION OF WORK: Heavy & Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appx. Tr.
		H & W	Pensions	Vocation		
CARPENTERS	\$5.67					
CEMENT MASONS	5.10					
LABORERS:						
Common laborers	4.00	.20	.10			
Form setter	5.05	.30	.10			
Raker	5.05	.30	.10			
Sawman	4.25	.20	.10			
Stringman	4.50	.20	.30			
Seeding, sodding, mulching and planting	4.35					
POWER EQUIPMENT OPERATORS:						
Backhoe	4.50	.40	.20			.01
Crane	5.65					
Front end loader	4.82	.30	.20			.01
Greaser, oiler	4.66	.40	.20			.01
Mechanic	5.65	.30	.20			.01
Motor patrol operator, finish	5.56	.40	.20			.01
Motor patrol operator, other	5.25	.30	.20			.01
Roller, farm tractor pulling	4.06	.30	.20			.01
Roller, self-propelled (finish)	5.44	.30	.20			.01
Scrapers	5.30	.30	.20			.01
Bulldozers	5.38	.30	.20			.01
Push cat	5.30	.30	.20			.01
Farm tractor w/attachments	4.00					
Subgrader	5.33					
TRUCK DRIVERS	4.25	.10	.10			

NEW DECISION

STATE: Iowa

COUNTIES: Butler, Cerro Gordo (excluding
Mason City), Floyd, Grundy, Hamilton,
Hancock, Mitchell, Winnebago, Worth &
Wright

DATE: Date of Publication

DECISION NO.: IA76-4122

DESCRIPTION OF WORK: Heavy & Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
CARPENTERS	\$4.60					
CEMENT MASONS	4.64					
LABORERS:						
Common	3.65					
Dumpman	3.90					
Grade checker, form aligner	4.70					
Plant	3.90					
Sawman	3.90					
Form setter	4.16					
Stringman	4.70					
POWER EQUIPMENT OPERATORS:						
Asphalt paver	4.63					
Bulldozers	4.60					
Central mix plant	4.77					
Cranes, derricks, draglines	4.60					
Front end loaders	5.12					
Graders	5.60					
Mechanics	4.81					
Motor patrol, rough	4.70					
Motor patrol, finish	4.75					
Motor patrol, other	6.00					
Oilers - greasers	4.31					
Pusher	4.70					
Rollers, finish	4.30					
Scrapers - over 10 c. y.	4.70					
Scrapers - self-load	4.80					
Scrapers, other	5.60					
Slip form paver	4.80					
Sub-graders	4.80					
Farm-tractor w/attachment	4.30					
TRUCK DRIVER:						
Single axle	3.15					
Tandem axle	3.90					
Other	3.35					

NEW DECISION

STATE: Iowa
 DECISION NO. 1A76-4123
 DESCRIPTION OF WORK: Heavy & Highway Construction

COUNTIES: Franklin & Hardin
 DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	\$4.79				
CEMENT MASONS	4.44				
LABORERS:					
Common	4.25				
Sawman	4.50				
Stringman	4.80	.30	.10		
FORM SETTERS	4.68				
POWER EQUIPMENT OPERATORS:					
Bulldozers	6.30	.40	.30		.03
Central mix plant	5.80	.30	.30		.01
CMI Operator	6.30	.40	.40		.03
Cranes, derricks, draglines	5.80	.40	.20		.01
Distributors	5.00				
Front end loaders	5.14				
Motor patrol, finish	6.35	.40	.40		.03
Motor patrol, rough	5.65	.30	.30		.01
Oilers - greasers	5.98				
Pavers, asphalt	5.00				
Pavers, others	5.40				
Scrapers, over 10 c.y.	5.65	.30	.30		.01
Scrapers, self-load	5.30	.30	.30		.01
Scrapers, other	6.30	.40	.30		.03
Screed	4.88				
Slip form paver	6.35	.40	.40		.03
Tractors, farm	5.65	.30	.30		.01
TRUCK DRIVERS	5.24	.25			

NEW DECISION

STATE: Iowa
 COUNTIES: Harrison, Monona & Woodbury
 DECISION NO. IA76-4124
 DATE: Date of Publication
 DESCRIPTION OF WORK: Heavy & Highway Construction

Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation and/or Appr. Tr.
CARPENTERS			
CEMENT MASONS or FINISHERS			
LABORERS:			
Common	\$5.15		
Dumpman	5.00		
Form setter	3.50		
Carrying Reinforcing rods	3.60		
Pipe layer	4.59		
Sawman	4.00		
Cement finishers helper	3.80		
POWER EQUIPMENT OPERATORS:	4.00		
Crane	6.00		
Front end loader	4.62		
Mechanic	4.50		
Motor patrol	4.75		
Scraper	5.00		
Bulldozer	4.75		
TRUCK DRIVER	3.85		

NEW DECISION

STATE: Pennsylvania
 COUNTIES: Columbia, Montour and Snyder
 DECISION NO.: PA76-3210
 DATE: Date of Publication
 Description of Work: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS						
ZONE I	\$ 9.55	.50	.35			.01
ZONE II	9.31	.52	.50			.01

AREA COVERED BY ASBESTOS WORKERS

ZONE I - Columbia & Montour Counties

ZONE II - Snyder County

BOTTLERS

BRICKLAYERS & STONEMASONS

ZONE I

ZONE II

AREA COVERED BY BRICKLAYERS & STONEMASONS ZONES

ZONE I - Montour & Snyder Counties

ZONE II - Columbia County

CARPENTERS

CEMENT MASONS

ZONE I

ZONE II

AREA COVERED BY CEMENT MASONS ZONES

ZONE I - Montour & Snyder Counties

ZONE II - Columbia County

DECISION NO. PA76-3210

ELECTRICIANS

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ZONE I	\$10.45	.30	14+.20			.05
ZONE II	9.82	.35	14+.25	a		.12
ZONE III	9.76	.45	14+.31			1/4 of 14

AREA COVERED ELECTRICIANS ZONES

ZONE I - Montour County; North of U.S. Highway #522 and Salesgrove Township in Snyder County and Remainder of Columbia County

ZONE II - Berwick Borough in Columbia County

ZONE III - South of U.S. Highway #522 in Snyder County

GLAZIERS

ZONE I

ZONE II

ZONE III

AREA COVERED BY GLAZIERS ZONES

ZONE I - Roaring Creek, Locust, Cleveland, Cunningham, Mt. Carmel Townships in Columbia County, Montour County.

ZONE II - Snyder County

ZONE III - Remainder of Columbia County

IRONWORKERS

ZONE I

ZONE II

Structural and Ornamental

Reinforcing

AREA COVERED BY IRONWORKERS ZONES

ZONE I - Montour & Snyder Counties

ZONE II - Columbia County

DECISION NO. PA76-3210

DECISION NO. PA76-3210

LABORERS

AREA COVERED BY LABORERS ZONES AND CLASSIFICATIONS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE I					
CLASS I	\$ 7.11	.25	.55		
CLASS II	7.51	.25	.55		
CLASS III	7.21	.25	.55		
CLASS IV	7.36	.25	.55		
ZONE II					
CLASS I	7.00	.30	.35		
CLASS II	7.10	.30	.35		
CLASS III	7.15	.30	.35		
ZONE III					
CLASS I	7.30	.25	.30		
CLASS II	7.45	.25	.30		
CLASS III	7.77	.25	.30		
CLASS IV	8.12	.25	.30		
CLASS V	6.95	.25	.30		

AREA COVERED BY LABORERS ZONES AND CLASSIFICATIONS

ZONE I - Columbia County

CLASS I - Unskilled laborers and window washers

CLASS II - Mason tenders and scaffold builders

CLASS III - Pneumatic electrical tool operator under the jurisdiction of laborers 2' pump-non-metallic pipe laying and making joints clay, terra cotta, ironstone, vitrified concrete, handling of burning torches, asphalt or other hot material; cement finishers and blasters helpers, power buggies, and walk along hoist

CLASS IV - Plasterers tenders, blasters and wagon drill operator

ZONE II - Montour County

CLASS I - Unskilled laborers, scaffold builders, wrecking, window cleaners & demolition

CLASS II - Mason tenders

CLASS III - Operators of jackhammers, paving breakers, vibrators & other pneumatic & mechanical tools coming under the jurisdiction of laborers, wagon drill operators, excavating for caisson, under pinning & pier holes (below 12'), non-metallic pipe layers, plaster tenders, mortar men (mixed by hand), handling & using cutting or burning torches in the wrecking of buildings

ZONE III - Snyder County

CLASS I - Unskilled laborers

CLASS II - Air, fuel and electric tool operators and all other pneumatic and mechanical tools including blow-pipe and vacuum cleaners, pipelayers, power-buggy, precast slab placers and signal men

CLASS III - Plaster and cement mason tenders, machine mixers, plaster pump and scaffold builders (excluding masonry scaffolding) for cassion workers, blasters, wagon air track and diamond point drill operators, burning torches, green cutting machine and steam jenny

CLASS IV - Mason tenders, machine mixers, motorized stockers, scaffold builders (masonry), mortar pump, conveyors, mechanical cleaners and sandblasting for masonry and masonry equipment

CLASS V - Nursery workers, window washers, floor scrubbers

DECISION NO. PA76-3210	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation
LATHERS				
ZONE I	\$ 9.08		.15	.01
ZONE II	8.71	.25	.25	.01
ZONE III	9.825		.20	.01

AREA COVERED BY LATHERS ZONES

ZONE I - Columbia County

ZONE II - Montour County

ZONE III - Snyder County

LEAD BURNERS	9.25	.35		c	.01
LINE CONSTRUCTION					
Linemen, dynamite man, heavy equipment operator	10.00	.20	1%		3/8 of 1%
Winch truck operator	7.10	.20	1%		3/8 of 1%
Groundman	6.80	.20	1%		3/8 of 1%
MARBLE SETTERS	8.82				
MILLWRIGHTS	10.61	.35	.40		.03
PAINTERS					
ZONE I					
Brush	8.20				
Steel	8.62				
Stocks, spray tanks, bridges, Sandblasting	9.00				
ZONE II					
Brush	7.90	.40	.30		.05
Tapers	8.16	.40	.30		.05
Hazardous	9.16	.40	.30		.05
ZONE III					
Brush	6.75				
Spray	8.00				

DECISION NO. PA76-3210	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation
PAINTERS (CONT'D)				
ZONE IV	\$ 6.95		.20	
Brush & Roller	7.65		.20	
Spray	7.25		.20	
Steel				

AREA COVERED BY PAINTERS ZONES

ZONE I - Snyder County & Anthony, Limestone, Derry & Liberty Township, in Montour County

ZONE II - Remainder of Columbia County

ZONE III - Danville Township in Montour County

ZONE IV - Remainder of Montour County	10.42	1.88	1.30	d	.12
FILEDRIVERS					
PLASTERERS					
ZONE I	8.70				
ZONE II	9.70				
ZONE III	9.60				

AREA COVERED BY PLASTERERS ZONES

ZONE I - Columbia County

ZONE II - Snyder County; Montour County (North of Danville)

ZONE III - Remainder of Montour County	10.15	.30	.55		.12
PLUMBERS & STEAMFITTERS					

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
GROUP 1	\$11.60	5.5%	9.5%	a	1.2%
GROUP 2	11.31	5.5%	9.5%	a	1.2%
GROUP 3	10.44	5.5%	9.5%	a	1.2%
GROUP 4	9.67	5.5%	9.5%	a	1.2%
GROUP 5	8.20	5.5%	9.5%	a	1.2%
GROUP 6	8.29	5.5%	9.5%	a	1.2%
GROUP 7	11.85	5.5%	9.5%	a	1.2%
GROUP 7-A	12.10	5.5%	9.5%	a	1.2%
GROUP 7-B	12.34	5.5%	9.5%	a	1.2%

CLASSIFICATIONS DEFINITIONS

- GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above
- GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3- $\frac{1}{2}$ cu. yd. and over, tandem scrapers, pippin type backhoes, boat Cap-tains, batch plant operators (concrete) drills, self-contained rotary drills, fork lift, 20 ft lift and over machine to the above
- CLASS 3: Conveyors, building hoists (single drum) scrapers and toumapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3- $\frac{1}{2}$ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft lift, machines similar to the above
- GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to the above
- GROUP 5: Fireman, grease truck
- GROUP 6: Oilers and deck hands (personnel boats), core driller helper
- GROUP 7: All machines with booms (including jib, masts, leads, etc.):
100 Ft and over
- GROUP 7A: 150 ft. and over
- GROUP 7B: 200 ft. and over
- FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

DECISION NO. PA76-3210

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ROOFERS	\$ 9.30	.65	.70		
ZONE I	9.31	.25	.30		
ZONE II					

AREA COVERED BY ROOFER ZONES

ZONE I - Columbia & Montour Counties

ZONE II - Snyder County

SHEET METAL WORKERS	10.08	.50	.50		.02
SOFT FLOOR LAYERS	8.63	.35	.40		.03
SPRINKLER FITTERS	11.61	.60	.90		.08
TRUCK DRIVERS					
ZONE I	7.00				
ZONE II					
CLASS I	8.07	a	b		
CLASS II	8.12	a	b		
CLASS III	8.08	a	b		

TRUCK DRIVERS CLASSIFICATIONS DEFINITIONS

ZONE I - Montour County

ZONE II - Columbia & Snyder Counties

CLASS I - Pick-ups and service dump and flat including "2" license

CLASS II - All trucks over "2" license

CLASS III - Fork lifts tow motors, front and pneumatic tired loaders

FOOTNOTES:

- a. Employer contributes \$41.00 per month to employees who have worked 60 hours or more for the employee during the preceding month.
- b. Employer contributes \$25.00 per month to employees who have been employed over 13 weeks.

DECISION NO. PA76-3210

WELDERS - Rate of craft

FOOTNOTES:

- a. Paid Holidays: July 4th, Labor Day, Thanksgiving Day and Good Friday.
- b. Employer contributes \$1.90 to a combined Health and Welfare and Pension Fund.
- c. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Washington's Birthday; Good Friday and Christmas Eve provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holidays.
- d. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day; Thanksgiving Day and Christmas Day.

NEW DECISION

STATE: Texas
 COUNTY: Smith
 DECISION NO.: TX76-4127
 DATE: Date of Publication
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
AIR CONDITIONING MECHANICS	\$ 4.63				
BRICKLAYERS	7.75				
CARPENTERS	7.55				
CEMENT MASONS	5.92		1%		1/4%
ELECTRICIANS	8.00	.40			
GLAZIERS	5.25				
IRONWORKERS	8.50	.30	.35		.04
LABORERS:					
Laborers	3.00				
Mason tenders	4.00				
Mortar mixers	4.10				
Plasterer tenders	4.40				
LATHERS	7.15	.30	.10		.01
PAINTERS	4.50				
PLASTERERS	7.675				.05
PLUMBERS					
On projects of \$200,000 or more	7.59				.03
On projects less than \$200,000	6.76				.03
ROOFERS	4.50				
SHEET METAL WORKERS	7.78	.62	.50		.03
SOUND INSTALLERS	6.00	.40	1%		
SPRINKLER FITTERS	10.90	.60	.90		.08
TRUCK DRIVERS	2.75				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

MODIFICATIONS P. 2

DECISION #CA76-5058 - Mod. #1 (41 FR 27549 - July 2, 1976) Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Under Decision #CA76-5058: Supersedeas Decision No. to read CA75-5148 instead CA76-5148.	\$8.255	.85	\$1.80	.55		
Change: Brick Tenders						
Electricians: Kern (China Lake Naval Ordnance Test Station, Edwards AFB)	14.20	.70	1 1/2+1.25			.15
Electricians; Technicians	15.62	.70	1 1/2+1.25			.15
Cable Splicers						
Kern County (Remainder of County)	11.70	.70	1 1/2+1.25			.15
Electricians; Technicians	12.87	.70	1 1/2+1.25			.15
Cable Splicers						
Ventura County	12.53	.84	1 1/2+1.05			.02
Electricians	13.78	.84	1 1/2+1.05			.02
Cable Splicers						
Irrigation & Lawn Sprinklers:						
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	9.40	10%	16%	13%		3/4%
Painters:						
Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excluding Western portion)	10.37	.74	1.10	.75		.07
Brush; Paint Burners						
Paperhangers; Iron, Steel and bridge (swing stage); Sheet rock taper	10.87	.74	1.10	.75		.07
Brush (Swing stage); Spray Steeplejack	10.82	.74	1.10	.75		.07
	11.77					

MODIFICATIONS P. 1

DECISION #AL76-1030 - Mod. #2 (41 FR 8637 - February 27, 1976) Lawrence, Limestone and Morgan Counties, Alabama	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
CHANGE: Carpenters: Carpenters & soft floor layers	\$ 6.95	.30	.20			
Millwrights	7.54	.30				.03
Filed drivers	7.36	.30	.20			.03
Cement masons	8.35					
Electricians:						
Electricians, linemen	9.05	.40	1 1/2+.30			1%
Cable splicers	9.30	.40	1 1/2+.30			1%
Groundmen	8.00	.40	1 1/2+.30			1%

DECISION NO. CA76-5058 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
LABORERS				
CLEANING AND HANDLING OF PANEL FORMS; Concrete screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling or shee-bolt holes; Fire watcher, limbers, brush loaders, pilers and debris handler; Gas and oil pipeline; Laborers, general or construction; Laborer, temporary water and air lines; Material hoseman (walls, slab, floors and decks); Mixer-truck chute man (walls, slab decks, floors, foundations and footing-curb and gutter and sidewalks); Rigger and signalling; Slip form raisers; Window cleaner	.85	\$1.80	.55	.10
CUTTING TORCH (Demolition); Scaler; Tarman; Mortarman	.85	1.80	.55	.10
GUINEA CHASER	.85	1.80	.55	.10
ASPHALT SHOVELER; Fine grader, highway and street paving, air-ports, runways, and similar type heavy construction; Landscape gardener and nursery man	.85	1.80	.55	.10
PACKING ROD STEEL AND PANS; Tanks scaler and cleaner	.85	1.80	.55	.10
UNDERGROUND (INCLUDING CAISSON BELLLOWERS)	.85	1.80	.55	.10
CHUCK TENDER; Septic tank digger and installer	.85	1.80	.55	.10
CESSPOOL DIGGER AND INSTALLER	.85	1.80	.55	.10

DECISION NO. CA76-5058 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Inyo, Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (Except Pomona Area), Mono, San Bernardino (West of a line North in Trono including China Lake Area, Johannesburg, Boron, South including the Wrightwood Area)				
Brush	\$10.72	.46	.60	.50
Structural steel & bridge; Paint Burner	10.84	.46	.60	.50
Tapers	11.42	.46	.60	.50
Brush swing stage (13 stories or less); Paper-hangers; Sandblasters; Spray	10.97	.46	.60	.50
Brush swing stage (over 13 stories)	11.09	.46	.60	.50
Structural steel and bridge, swing	11.12	.46	.60	.50
Spray sandblaster swing stage (13 stories or less); Paste Machine; Special coating spray	11.22	.46	.60	.50
Steeplejack	11.97	.46	.60	.50
Plasterers Tenders; Imperial, Inyo; Mono, Riverside and San Bernardino Counties	10.18	.85	\$1.80	.50
Kern County (China Lake Naval Ordnance Test Station, Edwards AFB)	11.975	.85	1.80	.55
Kern County (Remainder of Co.)	9.35	.85	1.80	.55
Los Angeles and Orange Cos.	10.025	.85	1.95	.80
Santa Barbara Co. (except Santa Maria)	9.78	.85	1.80	.55
Santa Barbara County (Santa Maria)	9.98	.85	1.80	.55
Ventura County	10.13	.85	1.80	1.05
Plumbers; Steamfitters; Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Cos.	11.66	10%	16%	13%
				3/4%

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
CONCRETE CURER-IMPERVIOUS MEMBRANE AND FORM OILER; Rip rap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)	\$7.84	.85	\$1.80	.55	.10	
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING, DIAPERING AND INCLUDING RUBBER GASKET JOINTS, POINTING AND ANY and ALL OTHER SERVICES	7.94	.85	1.80	.55	.10	
BUGGYMOBILE MAN: Cement dumper (on 1 yd. or larger mixer and handling bulk cement); Gas and oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper and tiller; Tree climber, faller, chain saw operator, Pittsburgh chipper and similar type brush shredders; Trenching machine, hand propelled	7.86	.85	1.80	.55	.10	
ASPHALT RAKER, LUTEMAN and IRONER: Concrete core cutter, grinder or sander; Concrete saw man, cutting, scoring old or new concrete, Impact wrench, multi-plate; Pneumatic, gas, electric tools, vibrating machines and similar mechanical tools not separately classified herein; Tamper, barko wacker and similar type	7.96	.85	1.80	.55	.10	
ROCK SLINGER	7.91	.85	1.80	.55	.10	
DRILLER, JACKHAMMER - 2½ ft. DRILL STEEL OR LONGER	8.04	.85	1.80	.55	.10	
CONCRETE VIBRATOR OPERATOR, 70 lbs. and over	8.06	.85	1.80	.55	.10	

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
GAS AND OIL PIPELINE WRAPPER - (6" and over); Kettlemen, Pot men and men applying asphalt, lay-hold, creosote, lime caustic and similar type materials	\$7.99	.85	\$1.80	.55	.10	
CRIBBER, SHORER, LAGGING, SHEETING, AND TRENCH BRACKING, HAND-GUIDED LAGGING HAMMER; Pipelayers (non-metallic including Sewer, Drain and Underground Tile); Prefabricated Manhole installer	8.16	.85	1.80	.55	.10	
BLASTER POWDERMAN	8.30	.85	1.80	.55	.10	
STEEL HEADBOARD MAN AND GUIDE-LINE SETTER	8.07	.85	1.80	.55	.10	
SANDBLASTER (Nozzleman)	8.10	.85	1.80	.55	.10	
DRILLER (Core-Diamond-Wagon)	8.30	.85	1.80	.55	.10	
HEAD ROCK SLINGER	8.17	.85	1.80	.55	.10	
GUNNITE LABORERS: Nozzlemen and Rodmen	9.37	.85	1.80	.55		
Gunner	8.87	.85	1.80	.55		
Reboundmen	7.91	.85	1.80	.55		

MODIFICATIONS P. 8

DECISION NO. CA76-5058 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
POWER EQUIPMENT OPERATORS (DREDGING) HYDRAULIC SUCTION DREDGES					
LEVERMAN	.95	\$ 2.00	.30		.04
WATCH ENGINEER; Welder	.95	2.00	.30		.04
DECKMATE	.95	2.00	.30		.04
WINCH MAN (Stern winch or dredge)	.95	2.00	.30		.04
BARGE MAN; Deckhand; Fireman; Oiler; Leveehand	.95	2.00	.30		.04
(CLAM SHELL DREDGES)					
LEVERMAN	.95	2.00	.30		.04
WATCH ENGINEER	.95	2.00	.30		.04
DECKMATE	.95	2.00	.30		.04
BARGE MATE	.95	2.00	.30		.04
BARGE MAN; Deckhand; Fireman; Oiler	.95	2.00	.30		.04

MODIFICATIONS P. 7

DECISION NO. CA76-5058 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
LABORERS (Tunnel)					
BATCH PLANT LABORERS; Bull Gang Mucker, Trackman; Concrete crew, including Rodders and Spreaders; Dumpman; Dumpman (outside); Swamper (Brakeman and Switchman on tunnel work); Tunnel materials handling Man; Tool Man	.85	\$1.80	.55		
CABLE TENDER; Chucktender; Nipper; Steel form raiser and setter's helper; Vibratorman, jackhammer, pneumatic tools (except driller)	.85	1.80	.55		
BLASTER, Driller, Powderman; Chemical grout jetman; Cherry pickerman; Grout gunman; Grout mixerman; Group pumpman; Jackleg miner; Jumbo man; Kemper and other pneumatic concrete placer operator; Miner tunnel (hand or machine); Powderman (primer house); Primer Man; Shotcrete Man; Steel Form Raiser and setter; Timberman; Retimber (wood or steel); Tunnel concrete finisher	.85	1.80	.55		
SHAFT, Raise miner; Diamond driller	.85	1.80	.55		

MODIFICATIONS P. 10

DECISION NO. CA76-5059 - Mod. #1
(41 FR 27559 - July 2, 1976)

Imperial, Kern, Los Angeles,
Orange, Riverside, San
Bernardino, San Luis Obispo,
Santa Barbara and Ventura
Counties, California

Change:

Brick Tenders

Electricians:

Kern (China Lake Naval

Ordnance Test Station,

Edwards AFB)

Electricians; Technicians

Cable Splicers

Kern County (Remainder of

County)

Electricians; Technicians

Cable Splicers

Ventura County

Electricians

Cable Splicers

Irrigation & Lawn Sprinklers:

Imperial, Los Angeles, Orange,

Riverside, San Bernardino,

San Luis Obispo, Santa

Barbara, and Ventura Cos.

Painters:

Imperial, Orange, Riverside,

Los Angeles (Pomona Area);

San Bernardino (excluding

Western portion)

Brush; Paint Burners

Paperhangers; Iron, steel

and bridge (swing stage);

Sheet rock Taper

Brush (swing stage); Spray

Steeplejack

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Group 1: \$9.25	.95	\$2.00	.50		.04
Group 2: 9.53	.95	2.00	.50		.04
Group 3: 9.82	.95	2.00	.50		.04
Group 4: 9.96	.95	2.00	.50		.04
Group 5: 10.18	.95	2.00	.50		.04
Group 6: 10.29	.95	2.00	.50		.04
Group 7: 10.41	.95	2.00	.50		.04
Group 8: 10.58	.95	2.00	.50		.04
Group 9: 10.71	.95	2.00	.50		.04
TRUCK DRIVERS					
Group 1: \$8.72	\$1.00	.70	\$1.00		.10
Group 2: 8.80	1.00	.70	1.00		.10
Group 3: 8.86	1.00	.70	1.00		.10
Group 4: 8.95	1.00	.70	1.00		.10
Group 5: 8.98	1.00	.70	1.00		.10
Group 6: 9.00	1.00	.70	1.00		.10
Group 7: 9.04	1.00	.70	1.00		.10
Group 8: 9.05	1.00	.70	1.00		.10
Group 9: 9.10	1.00	.70	1.00		.10
Group 10: 9.13	1.00	.70	1.00		.10
Group 11: 9.18	1.00	.70	1.00		.10
Group 12: 9.20	1.00	.70	1.00		.10
Group 13: 9.25	1.00	.70	1.00		.10
Group 14: 9.50	1.00	.70	1.00		.10
Group 15: 9.75	1.00	.70	1.00		.10
Group 16: 9.85	1.00	.70	1.00		.10

POWER EQUIPMENT OPERATORS
(Except Pile-driving and Steel
Erection)

TRUCK DRIVERS

DECISION NO. CA76-5058 (Cont'd)

MODIFICATIONS P. 9

MODIFICATIONS P. 12
DECISION NO. CA76-5059 (Cont'd)

MODIFICATIONS P. 11

DECISION NO. CA76-5059 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation		H & W	Pensions	Vacation
Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), San Bernardino (west of a line North in Trono including China Lake Area, Johannesburg, Boron, South including the Wrightwood Area)							
Brush							
Structural steel and Bridge; Painter Burner	.46	.60	.50	\$ 7.94	.85	\$1.80	.55
Tapers	.46	.60	.50				
Brush swing stage (13 stories or less); Paper-hangers; Sandblasters; Spray	.46	.60	.50				
Brush swing stage (over 13 stories)	.46	.60	.50				
Structural steel and bridge, swing	.46	.60	.50				
Spray sandblaster swing stage (13 stories or less); Paste machine; Special coating spray	.46	.60	.50	7.86	.85	1.80	.55
Steeplejack							
Plasterers' Tenders: Imperial, Riverside and San Bernardino Counties	.85	\$1.80	.50				
Kern County (China Lake Naval Ordnance Test Station, Edwards AFB)	.85	1.80	.55	7.96	.85	1.80	.55
Kern County (Remainder of County)	.85	1.80	.55	7.91	.85	1.80	.55
Los Angeles and Orange Cos. Santa Barbara County (except Santa Maria)	.85	1.80	.55	8.04	.85	1.80	.55
Santa Barbara County (Santa Maria)	.85	1.80	.55	8.06	.85	1.80	.55
Ventura County	.85	1.80	\$1.05				
Plumbers; Steamfitters: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Cos.	10%	16%	13%	8.16	.85	1.80	.55
			3/4%	7.99	.85	1.80	.55
							.10

LABORERS (Cont'd)

PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING, DIAPERING & INCLUDING RUBBER GASKET JOINTS, POINTING & ANY AND ALL OTHER SERVICES

BUGGYMOBILE MAN; Cement dumper (on 1 yd. or larger mixer and handling bulk cement); Gas and oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper and tiller; Tree climber, faller, chain saw operator, Pittsburgh chipper and similar type brush shredders; Trenching machine, hand propelled

ASPHALT RAKER, LUTEMAN AND IRONER; Concrete core cutter, grinder or sander; concrete saw man, cutting scoring old or new concrete, impact wrench, multi-plate; Pneumatic, gas, electric tools, vibrating machines and similar mechanical tools not separately classified herein; Tampers, barko wacker and similar type

ROCK SLINGER

DRILLER, JACKHAMMER - 2 1/2 Ft. DRILL STEEL OR LONGER

CONCRETE VIBRATOR OPERATOR, 70 lbs. and over

PIPELAYER (NON-METALLIC INCL. SEWER, DRAIN AND UNDERGROUND TILE); Prefabricated manhole installer

GAS AND OIL PIPELINE WRAPPER - (6" and over); Kettlemen, potmen and men applying asphalt, lay-kold, creosote, lime caustic and similar type materials

DECISION NO. CA76-5059 (Cont'd)

MODIFICATIONS P. 13

MODIFICATIONS P. 14

LABORERS	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
CLEANING AND HANDLING OF PANEL FORMS; Concrete screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of shee-bolt holes; Fire watcher, limbers, brush loaders, pilers and debris handler; Gas and oil pipeline; Laborers, general or construction; Laborer, temporary water and air lines; Material hoseman (walls, slab floors and decks); Mixer-truck chute man (Walls, Slab Decks, floors, foundations and footing-curb and gutter and sidewalks); Rigging and signalling; Slip form raisers; Window cleaner	\$7.65	.85	\$1.80	.55		.10
CUTTING TORCH (Demolition); Scaler; Tarman; Mortarman	7.70	.85	1.80	.55		.10
GUINEA CHASER	7.83	.85	1.80	.55		.10
ASPHALT SHOVELER; Fine grader, highway and street paving, air-ports, runways and similar type heavy construction; Landscape gardener and nursery man	7.75	.85	1.80	.55		.10
PACKING ROD STEEL AND PANS; Tanks scaler and cleaner	7.77	.85	1.80	.55		.10
UNDERGROUND (INCL. CAISSON BELLOWERS)	7.78	.85	1.80	.55		.10
CHUCKTENDER; Septic tank digger and installer	7.80	.85	1.80	.55		.10
CESPOOL DIGGER AND INSTALLER	7.83	.85	1.80	.55		.10
CONCRETE CURER - IMPERVIOUS MEMBRANE AND FORM OILER; Rip rap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)	7.84	.85	1.80	.55		.10

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
CRIBBER, SHORER, LAGGING, SHEETING, AND TRENCH BRACKING, HAND-GUIDED LAGGING HAMMER	\$ 8.16	.85	\$1.80	.55		.10
BLASTER POWDERMAN	8.30	.85	1.80	.55		.10
STEEL HEADERBOARD MAN AND GUIDELINE SETTER	8.07	.85	1.80	.55		.10
SANDBLASTER (Nozzleman)	8.10	.85	1.80	.55		.10
DRILLER (Core-Diamond-Wagon)	8.30	.85	1.80	.55		.10
HEAD ROCK SLINGER	8.17	.85	1.80	.55		.10
GUNNITE LABORERS:						
NOZZLEMAN AND RODMEN	9.37	.85	1.80	.55		.55
GUNMEN	8.87	.85	1.80	.55		.55
REBOUNDMEN	7.91	.85	1.80	.55		.55

MODIFICATIONS P. 16

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$11.30	.95	\$2.00	.30		.04
10.72	.95	2.00	.30		.04
10.24	.95	2.00	.30		.04
10.17	.95	2.00	.30		.04
9.63	.95	2.00	.30		.04
11.30	.95	2.00	.30		.04
10.72	.95	2.00	.30		.04
10.24	.95	2.00	.30		.04
10.17	.95	2.00	.30		.04
9.63	.95	2.00	.30		.04
9.25	.95	2.00	.50		.04
9.53	.95	2.00	.50		.04
9.82	.95	2.00	.50		.04
9.96	.95	2.00	.50		.04
10.18	.95	2.00	.50		.04
10.29	.95	2.00	.50		.04
10.41	.95	2.00	.50		.04
10.58	.95	2.00	.50		.04
10.71	.95	2.00	.50		.04

DECISION #CA76-5061 - Mod. #1
(41 FR 26429 - June 23, 1976)
San Diego County, California

Change:
Power Equipment Operators:

Dredging
(Hydraulic Suction Dredges)

Leverman
Watch Engineer; Welder
Deckmate
Winchman (stern winch or
dredge)
Bargeman; Deckhand; Fire-
man; Oiler; Leveehand
(Clamshell Dredges)
Leverman
Watch Engineer
Deckmate
Bargemate
Bargeman; Deckhand; Fire-
man; Oiler
(Except Piledriving and Steel
Erection)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$9.25	.95	\$2.00	.50		.04
9.53	.95	2.00	.50		.04
9.82	.95	2.00	.50		.04
9.96	.95	2.00	.50		.04
10.18	.95	2.00	.50		.04
10.29	.95	2.00	.50		.04
10.41	.95	2.00	.50		.04
10.58	.95	2.00	.50		.04
10.71	.95	2.00	.50		.04
\$8.72	1.00	.70	\$1.00		.10
8.80	1.00	.70	1.00		.10
8.86	1.00	.70	1.00		.10
8.95	1.00	.70	1.00		.10
8.98	1.00	.70	1.00		.10
9.00	1.00	.70	1.00		.10
9.04	1.00	.70	1.00		.10
9.05	1.00	.70	1.00		.10
9.10	1.00	.70	1.00		.10
9.13	1.00	.70	1.00		.10
9.18	1.00	.70	1.00		.10
9.20	1.00	.70	1.00		.10
9.23	1.00	.70	1.00		.10
9.50	1.00	.70	1.00		.10
9.75	1.00	.70	1.00		.10
9.85	1.00	.70	1.00		.10

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel
Erection)

Group 1:
Group 2:
Group 3:
Group 4:
Group 5:
Group 6:
Group 7:
Group 8:
Group 9:

TRUCK DRIVERS

Group 1:
Group 2:
Group 3:
Group 4:
Group 5:
Group 6:
Group 7:
Group 8:
Group 9:
Group 10:
Group 11:
Group 12:
Group 13:
Group 14:
Group 15:
Group 16:

DECISION NO. CA76-5059 (Cont'd)
MODIFICATIONS P. 15

BALTIMORE REGION RAPID TRANSIT SYSTEM

DECISION #76-MD-3160 - Mod. #4

(41 FR 15243 - April 9, 1976)

Baltimore, Harford, and Howard
Counties and Baltimore City, Maryland
Bolton Hill Tunnels Projects Only

ADD:

Laborers:

GROUP I
GROUP II
GROUP III
GROUP IV
GROUP V
GROUP VI
GROUP VII

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9.25	.95	2.00	.50	.04
9.53	.95	2.00	.50	.04
9.82	.95	2.00	.50	.04
9.96	.95	2.00	.50	.04
10.18	.95	2.00	.50	.04
10.29	.95	2.00	.50	.04
10.41	.95	2.00	.50	.04
10.58	.95	2.00	.50	.04
10.71	.95	2.00	.50	.04

Change:
Power Equipment Operators:
(Except Piledriving and
Steel Erection)Group 1
Group 2
Group 3
Group 4
Group 5
Group 6
Group 7
Group 8
Group 9DECISION # GA75-1025 - Mod. # 3
(40 FR 8691 - February 28, 1975)

Hall County, Georgia

ADD:

Sprinkler fitters

GROUP I - Car loader, choker setter, concrete crewman, crushed feeder, demolition laborer (including salvaging all material, loading and cleaning up), wrecking, driller helper, dumpman, flagman, fence erector and installer (including installation and erection of fence, guard rails, median rails, reference posts, guide posts and right-of-way markers), form stripper, general laborers, railroad track laborer, riprap man, scale man, stake jumper, structure mover (includes foundation, separation, preparation, cribbing, shoring, jacking and unloading of structures), water nozzle man, timber bucket and faller, truck loader, water boys, tool room men

GROUP II - Combined air and water nozzle man, cement handler, dope pot fireman (nonmechanical), form cleaning machine, mechanical railroad equipment (includes spiker, puller, tie cleaner, tamper pipe wrapper, power driven wheelbarrow, operators of hand derricks, towmasters, scooters, buggymobiles and similar equipment), tamper or tammer operator, trestle scaffold builders over one tier high, power tool operator (gas, electric or pneumatic), sandblast or gunnite tailhose man, scaffold erector (steel or wood), vibrator operator (up to 4'), asphalt cutter, mortar men, shorer and lagger, creosote material handler, corrosive enamel or equal, paving breaker and jackhammer operators

GROUP III - Multi-section pipe layer, non-metallic clay and concrete pipe layer (including caulker, collaman, joiner, rigger and jacker) thermite welder and corrugated metal culvert pipe layer

GROUP IV - Asphalt block pneumatic cutter, asphalt roller, walking chain-saw with attachment, concrete saw (walking), high scalers, jackhammer (using over 6" of steel), vibrator (4' and over), well point installers, air-trac operator

GROUP V - Asphalt screeder, big drills, cut of the hole drills (1½ piston or larger) down the hole drills (¾" piston or larger), gunnite or sandblaster nozzle man, asphalt taker, asphalt tamper, form setter, demolition torch operator, shotcrete nozzle man and normal

GROUP VI - Powderman, master form setters

GROUP VII - Brick paver (asphalt block paver, asphalt block saw man, asphalt block grinder; Hastings block or similar type)

DECISION #HI76-5048 - Mod. #3
(41 FR 22739 - June 4, 1976)

Statewide, Hawaii

Change:

Painters:
Brush
Tapers
Spray

\$8.81	.62	\$1.50		.10
9.01	.62	1.50		.10
9.31	.62	1.50		.10

BALTIMORE REGION RAPID TRANSIT SYSTEM

DECISION #76-MD-3160 - Mod. #4 (Cont'd.)
(41 FR 15243 - April 9, 1976)
Baltimore, Harford, and Howard
Counties and Baltimore City, Md.
BOLTON HILL TUNNELS PROJECT ONLY
ADD:

	Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP I	\$ 8.00	.30	.50		.075
GROUP II	8.25	.30	.50		.075
GROUP III	8.75	.30	.50		.075
GROUP IV	9.00	.30	.50		.075

CLASSIFICATIONS

TUNNELS, RAISES AND SHAFTS - FREE AIR

GROUP I
Brakeman, bull gang, dumper, trackman, concrete man

GROUP II
Chuck tender, powderman in prime house, form setters and movers, nippers, cableman, hosemen, groutman, bell or signalman, top or bottom vibrator operator, caulkers' helpers

GROUP III
Miners, rodmen, re-bar underground, concrete or gunnite nozzle men, powderman, timberman and re-timberman, wood steel including liner plate or any other support, material, motorman, caulkers, diamond drill operators, riggers, cement finishers - underground, welders and burners, shield driver, air trac operator, shotcrete nozzleman and potman.

GROUP IV
Mucking machine operator (air)

BALTIMORE REGION RAPID TRANSIT SYSTEM

DECISION #76-MD-3160 - Mod. #4 (Cont'd.)

(41 FR 15243 - April 9, 1976)

Baltimore, Harford, and Howard

Counties and Baltimore City, Md.

BOLTON HILL TUNNELS PROJECTS ONLY

ADD:

COMPRESSED AIR RATES

	Gauge Pressure Pounds	Work Period Hours	Rates Paid Daily	Fringe Benefits Payments			Education and/or Appr. Tr.
				H & W	Pensions	Vacation	
0-12		7½	\$80.00	a	b		c
12-14		6	83.00	a	b		c

FOOTNOTES:

a. The employer pays 2.40 to health and welfare per day.

b. The employer pays 4.00 to pension per day.

c. The employer pays .60 training fund per day.

On any requirement for air pressure in excess of 14 pounds, work period hours and daily work rates shall be negotiated immediately to cover excess gauge pressure poundage.

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
DECISION # MS75-1106 - Mod. # 4 (40 FR-50974 - October 31, 1975) Hinds County, Mississippi					
Change:					
Bricklayers:					
Bricklayers	7.85	.15	.10		.03
Stone, block, & marble masons	7.85	.15	.10		.03
Caulkers, pointer, & cleaners	7.85	.15	.10		.03
Tile & terrazzo setters	7.75	.15	.10		.03
Carpenters:					
Carpenters	7.50	.30	.20		.05
Drywall application	7.50	.30	.20		.05
Soft floor layers	7.50	.30	.20		.05
Power saw operator (1 hp. or over)	7.75	.30	.20		.05
Skill saw operator	7.625	.30	.20		.05
Pneumatic nailer operator	7.625	.30	.20		.05
Fiber glass insulation application	7.65	.30	.20		.05
Millwrights	7.85	.30	.20		.05
Piledrivermen	7.85	.30	.20		.05
Cement masons:					
Cement masons	6.15	.25	.30		.05
Float machine operators	6.65	.25	.30		.05
Power grinder operators	6.65	.25	.30		.05
Ironworkers	8.15	.30	.35		.04
Laborers:					
Mason tenders	4.70	.15	.15		.15
Plasterer tenders	4.85	.15	.15		.15
Mortar mixers	4.85	.15	.15		.15
Mechanical tool operators	4.95	.15	.15		.15

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
DECISION # MS75-1109 - Mod. # 4 (40 FR-5208 - November 14, 1975) Warren County, Mississippi						
<u>Change:</u>						
Bricklayers:						
Bricklayers	7.85	.15	.10			.03
Stone, block, & marble masons	7.85	.15	.10			.03
Caulkers, pointers, & cleaners	7.85	.15	.10			.03
Tile & terrazzo setters	7.75	.15	.10			.03
Carpenters:						
Carpenters	7.50	.30	.25			.05
Drywall application	7.50	.30	.25			.05
Soft floor layers	7.50	.30	.25			.05
Millwrights	8.10	.30	.25			.05
Piledrivermen	8.10	.30	.25			.05
Ironworkers	8.15	.30	.35			.04
DECISION #NV76-5065 - Mod. #1 (41 FR 27628 - July 2, 1976) Washoe County, Nevada						
<u>Change:</u>						
Asbestos Workers	\$13.06	.90	\$1.02			.06
Cement Masons:						
Cement Masons	8.90	.55	.60	1.00		.03
Mastic, Magnesite and all Com- position Masons	9.15	.55	.60	1.00		.03
Troweling Machine; Grinder	9.40	.55	.60	1.00		.03
Operator; Kelly Float	9.745	.37	1.20			
Glaziers						
Ironworkers:						
Fence Erectors	10.14	1.09	1.83	1.15		.04
Reinforcing; Ornamental;						
Structural	11.03	1.09	1.83	1.15		.04
Painters:						
Brush	10.95	.70	.75			
Paperhangers; Spray; Structural						
Steel; Swing Stage; Sand- blasters; Tapers	11.20	.70	.75			
Soft Floor Layers	10.80	.70	.20	2.4%		

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
DECISION #TX76-4079 - Mod. #2 (41 FR 19034 - May 7, 1976) Bell, Bosque, Coryell, Falls, Hill & McLennan Counties, Texas					
Change: Building Construction: Elevator constructors' helpers Elevator constructors' helpers (prob.)	.545 .545	.35 .35	4%+4b 4%+4b		.02 .02
Line construction: Linemen; Linemen operators Cable splicers Groundman, 1st 6 months Groundman, 2nd 6 months Groundman, 1 year & over		1% 1% 1% 1% 1%			1/2% 1/2% 1/2% 1/2% 1/2%
DECISION #TX76-4084 - Mod. #3 (41 FR 21141 - May 21, 1976) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change: Lathers Line construction: Zone 2: Lineman; Operator Cable splicer Groundman, 1st 6 months Groundman, 2nd 6 months Groundman, 1 year & over Plasterers Power Equipment Operators: Group 1 Group 2 Group 3	9.05				.01 1/2% 1/2% 1/2% 1/2% 1/2% 1/2% 1/2% .10 .10 .10

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
DECISION #TX76-4033 - Mod. #4 (41 FR 7019 - February 13, 1976) Bowie County, Texas					
Change: Carpenters: Carpenters Millwrights Piledrivers Elevator constructors' helpers Elevator constructors' helpers (prob.) Ironworkers Plumbers & pipefitters Soft floor layers	\$ 7.45 9.35 8.05 9.33 70%JR 50%JR 9.45 9.50 7.45	.35 .35 .35 .35 .35 .35 .35 .40 .55	4%+4b 4%+4b		.01 .04 .01 .02 .02 .04 .05 .01
DECISION #TX76-4048 - Mod. #3 (41 FR 7920 - February 20, 1976) Taylor County, Texas					
Change: Plumbers & pipefitters	7.70	.25	.55		.03
DECISION #TX76-4049 - Mod. #2 (41 FR 7921 - February 20, 1976) Tom Green County, Texas					
Change: Carpenters Ironworkers: On jobs 30 miles or more from the city of San Angelo	7.45 7.93 8.055	.55 .85 .85			.02 .10 .10

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
DECISION #TX76-4085 - Mod. #2 (41 FR 21144 - May 21, 1976) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant and Wise Counties, Texas Change: Carpenters: Zone 1: Carpenters Millwrights Piledrivers Elevator constructors Elevator constructors' helpers Elevator constructors' helpers (prob.) Line construction: Linemen; Linemen operators Cable splicers Groundman, 1st 6 months Groundman, 2nd 6 months Groundman, 1 year & over					
\$ 9.025	.30	.30			
9.435	.30	.30			.005
9.525	.30	.30			.005
9.33	.545	.35	4%+a+b		.02
70%JR	.545	.35	4%+a+b		.02
50%JR					
10.96		1%			1/2%
12.06		1%			1/2%
6.58		1%			1/2%
7.12		1%			1/2%
7.67		1%			1/2%
DECISION #TX76-4086 - Mod. #2 (41 FR 21148 - May 21, 1976) Galveston & Harris Cos., Texas Change: Lathers (Harris Co. only) Soft floor layers					
9.52	.50	.35			.02
9.17	.35	.45			.09

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
DECISION #TX76-4087 - Mod. #2 (41 FR 21151 - May 21, 1976) El Paso County, Texas Change: Sheet metal workers					
\$ 8.855	3%+.51	.35			.025
DECISION #TX76-4090 - Mod. #2 (41 FR 21157 - May 21, 1976) Travis County, Texas Change: Glaziers Painters: Group 1 Group 2 Group 3 Plumbers & steamfitters Soft floor layers					
7.56		.20			.01
7.60					
7.85					
8.10					
9.55	.30	.30			.05
9.17	.35	.45			.09
DECISION #TX76-4101 - Mod. #2 (41 FR 24876 - June 18, 1976) Brazos County, Texas Change: Elevator constructors Elevator constructors' helpers Elevator constructors' helpers (prob.) Soft floor layers					
9.33	.545	.35	4%+a+b		.02
70%JR	.545	.35	4%+a+b		.02
50%JR					
9.17	.35	.45			.09

NOTICES

30505

DECISION NO. WA76-5056 - Mod. #1
(41 FR 26545 - June 23, 1976)
Statewide, Washington

Change:

Asbestos Workers:
Chelan, Clallam, Douglas,
Grays Harbor, Island,
Jefferson, King, Kitsap,
Kittitas, Lewis, Mason,
Okanogan, Pacific (northern
portion), Pierce, San Juan,
Skagit, Snohomish, Thurston,
Whatcom and Yakima Counties
Clark, Cowlitz, Klickitat,
Pacific (southern portion),
Skamania and Wahkiakum Cos.
Carpenters:
Clark, Cowlitz, Klickitat,
Pacific (southern portion),
Skamania and Wahkiakum Cos.
Carpenters: Form strippers;
Manhole Builders:
Acoustical applicators,
Drywall applicators
Piledrivers, bridge,
dock and wharf builders
Floor layers; Floor
finishers; Stationary
power saw operator
Boorman
Millwrights; Machine
Erectors
Glaziers:
Clallam, Island, Jefferson,
King, Kitsap, Lewis,
Mason, Pacific (northern
portion), Pierce, San
Juan, Snohomish and
Thurston Counties
Plasterers:
Clallam, Island, Jefferson,
King (except the City of
Kent), Kitsap, Pacific
(northern portion), San
Skagit and
Snohomish Counties

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$11.91	.51	.95			.04
11.91	.56	.95			.11
10.09	.55	.85	.35		.03
10.19	.55	.85	.35		.03
10.24	.55	.85	.35		.03
10.29	.55	.85	.35		.03
10.34	.55	.85	.35		.03
9.59	.30	.65	b		
9.90	.55	1.00			.04

DECISION #TX76-4110 - Mod. #1
(41 FR 27652 - July 2, 1976)
Lubbock County, Texas

Change:

Bricklayers & stonemasons
Carpenters
Ironworkers:
Structural; Ornamental; Rein-
forcing
All ironworkers on jobs 30 miles
or more from the city of
Lubbock
Power Equipment Operators:
Group 1
Group 2
Group 3

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 8.85		.30			
7.97	.38	.40			.01
7.93	.55	.85			.10
8.055	.55	.85			.10
6.75	.30	.50			.10
7.65	.30	.50			.10
8.05	.30	.50			.10

MODIFICATIONS P. 29

DECISION NO. WA76-5056 (Cont'd)

Laborers: (Area 1)
(All Counties and portions
of Counties East of the
120th Meridian)

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
8.10	.65	.70		.02
8.25	.65	.70		.02
8.35	.65	.70		.02
8.40	.65	.70		.02
8.45	.65	.70		.02
8.50	.65	.70		.02
8.55	.65	.70		.02
8.75	.65	.70		.02
8.15	.65	.70		.02
8.20	.65	.70		.02
8.60	.65	.70		.02
8.65	.65	.70		.02

SUPERSEDES DECISION

STATE: ARKANSAS
 COUNTY: Union and Ouachita
 DATE: Date of Publication
 DECISION NO.: AR76-4129
 Supersedes Decision No. AR76-4006 dated January 16, 1976 in 41 FR 2549
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
ASBESTOS WORKERS	\$9.40	.35	.30		.02
BOILERMAKERS	9.00	.50	1.00		.02
BRICKLAYERS	7.55	.30	.25		.02
CARPENTERS		.40	.30		.04
Millwrights & piledrivers	8.13	.40	.30		.04
CEMENT MASONS	8.00	.25			.03
ELECTRICIANS:					
Electrical contracts \$20,000 or less:					
Electricians	9.24		1%		1/4%
Cable splicers	9.54		1%		1/4%
Electrical contracts over \$20,000:					
Electricians	10.03		1%		1/4%
Cable splicers	10.33		1%		1/4%
IRONWORKERS:					
LABORERS:					
Group I	5.72	.20	.30		.04
Group II	5.97	.20	.30		.04
Group III	6.12	.20	.30		.04
Group IV	6.22	.20	.30		.04
Group V	6.37	.20	.30		.04
Group VI	6.62	.20	.30		.04
Group VII	6.52	.20	.30		.04

LABORERS CLASSIFICATION DEFINITIONS

GROUP I - Construction laborers, concrete labor, wrecking labor, mechanic's labor, excavating labor, plumber's labor, electricians labor, green cutter, blowpipe, and concrete pump hose placer
 GROUP II - Semi-skilled laborer; pipelayer, concrete, clay and mechanical tool, cement mixer, wet or dry finishers, and plasterers, mason tender, mortar mixers, asphalt rakers & shovelers, creosote wood handlers, chuck tender
 GROUP III - Steel form setters, curb and gutters, grout and cement muckers
 GROUP IV - Swinging scaffold, Barco, 90 lb. pavement breaker, and burners
 GROUP V - Nozzelman (Gunitex), Grout and sand blaster; concrete pump (nozzle placer)
 GROUP VI - Powderman and blasters
 GROUP VII - Wagon drill

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Electrical contracts \$20,000 or less:					
Lineman	\$9.24		1%		1/4%
Operator	8.99		1%		1/4%
Truck driver (pickup & jeep)	8.14		1%		1/4%
Groundman	8.14		1%		1/4%
Electrical contracts over \$20,000.00:					
Lineman	10.03		1%		1/4%
Operator	9.78		1%		1/4%
Truck driver (pickup & jeep)	8.78		1%		1/4%
Groundman	8.78		1%		1/4%
PLASTERERS	7.80	.45	.55		.02
PLUMBERS & PIPEFITTERS	9.40				.05
POWER EQUIPMENT OPERATORS:					
Group I	9.05	.25	.25		
Group II	8.21	.25	.25		
Group III	7.83	.25	.25		
Group IV	6.45	.25	.25		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group I - Cranes, draglines, shovels and piledrivers with a lifting capacity of 50 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 feet or over from the ground, blacksmith, mechanics and/or welders
 Group II - Hydraulic cranes, cherry pickers, backhoes and all derricks with a lifting capacity less than 50 tons, as specified by the manufacturer, all backhoes, tractor or truck type, all overhead and traveling cranes, or tractors with swinging boom attachments, gradealls, all above equipment irrespective of motive power, leverman (engineer), hydraulic or bucket dredges, irrespective of size
 Group III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all front end loaders, all sidebooms, skytracks, all push tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers, all central mixing plants, 10S and larger, finishing machines, all boiler firemen high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power and dredge tender operator

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS. (CONT'D)

Group IV - LIGHT EQUIPMENT OPERATORS: Oilerdriver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator, conveyor, batch plant, and mortar or concrete mixers, below 10S, and dump Euclid, pumcrete, spray machine and pressure grout machine, air compressors, regardless of size, all equipment, welding machines, light plants, pumps, all well point system de-watering and portable pumps, space heaters, irrespective of size, and motive power, equipment greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, and like equipment, safety boat operator and deckhand

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ROOFERS	\$6.90		.10			
SHEET METAL WORKERS	8.45	3%+.40a	.25			
SPRINKLER FITTERS	9.87	.60	.90			.07b .08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						
FOOTNOTES:						
a - Includes 3% Sasmí						
b - Includes .02 National Training Fund.						

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LABORERS CLASSIFICATION DEFINITIONS (CONT'D)

Group III - Steel form setters, curb and gutters, grout and cement muckers

Group IV - Swinging scaffold, Barco, 90 lb pavement breaker, and burners

Group V - Nozzleman (Gunite, Grout, and sand blaster; concrete pump (nozzle placer)

Group VI - Powderman & blasters

Group VII - Wagon drill

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
LATHERS	\$8.10				.02
LINE CONSTRUCTION:					
Linemen	10.00		1%		3/8%
Cable splicers	10.25		1%		3/8%
Operator	10.00		1%		3/8%
Groundmen (advanced)	65¢JR		1%		3/8%
Groundmen (list 6 months)	49¢JR		1%		3/8%
Winch equipment	73¢JR		1%		3/8%
MARBLE, TILE AND TERRAZZO WORKERS	7.40				
PAINTERS:					
Painters, paperhangers and steam cleaners, sheet rock finishers and wall cover hangers	7.25		.30		
Spray gun operators and sand blasters	7.85		.30		
All skelton steel and all work on stages, structural steel over 30 feet high	7.50		.30		.02
PLASTERERS	7.80				
PLUMBERS & PIPEFITTERS:					
Within 10 mile radius of Pulaski County Courthouse	9.70	.30	.55		.02
Over 10 mile from Pulaski County Courthouse	10.00	.30	.55		.02
POWER EQUIPMENT OPERATORS:					
Group I	9.05	.25	.25		.25
Group II	8.21	.25	.25		.25
Group III	7.83	.25	.25		.25
Group IV	6.45	.25	.25		.25

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group I - Cranes, draglines, shovels and piledrivers with a lifting capacity of 30 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 feet or over from the ground, blacksmith, mechanics and/or welders

SUPERSEDES DECISION

STATE: Arkansas

COUNTY: Conway, Faulkner and Perry

DECISION NO.: AR76-4130

Supersedes Decision No. AR76-4003 dated January 16, 1976 in 41 FR 2541.

DESCRIPTION OF WORK: Building Construction (excludin; single family homes and garden type apartments up to and includin; 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$9.40	.35	.30		.02
BOILERMAKERS	9.00	.50	1.00		.02
BRICKLAYERS & STONEMASONS	7.55	.30	.25		.02
CARPENTERS:					
Faulkner County and the Eastern half of Conway and Perry Counties:					
Carpenters	7.63	.40	.30		.04
Millwrights & Piledrivermen	7.88	.40	.30		.04
Western half of Conway and Perry Counties:					
Carpenters	7.63	.40	.30		.04
Millwrights & Piledrivermen	8.13	.40	.30		.04
CEMENT MASONS	8.00	.25			.03
ELECTRICIANS:					
Electricians	9.60	.40	1%	1/4%	.02
Cable splicers	9.725	.40	1%	1/4%	.02
ELEVATOR CONSTRUCTORS:					
Journeyman	8.09	.495	.32	3%+ab	.01
Helpers	70¢JR	.495	.32	3%+ab	.04
GLAZIERS	6.65				.04
IRONWORKERS	8.71	.45	.40		.04
LABORERS:					
Group I	5.57	.20	.30		.04
Group II	5.97	.20	.30		.04
Group III	6.12	.20	.30		.04
Group IV	6.22	.20	.30		.04
Group V	6.37	.20	.30		.04
Group VI	6.62	.20	.30		.04
Group VII	6.52	.20	.30		.04

LABORERS CLASSIFICATION DEFINITIONS

Group I - Construction laborews, concrete labor, wrecking labor, mechanic's labor, excavating labor, plumber's labor, electricians labor, green cutter, blowpipe, and concrete pump hose placer

Group II - Semi-skilled laborer; pipelayers, concrete, clay and mechanical tool, cement mixer, wet or dry finishers, and plasterers, mason tender, mortar mixers, asphalt rakers, and shovelers, creosote wood handlers, chuck tender

DECISION NO. AR76-4130

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POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

Group II - Hydraulic cranes, cherry pickers, backhoes and all derricks with a lifting capacity less than 50 tons, as specified by the manufacturer, all backhoes, tractor or truck type, all overhead and traveling cranes, or tractors with swinging boom attachments, gradealls, all above equipment irrespective of motive power, leverman (engineer), hydraulic or bucket dredges, irrespective of size

Group III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all front end loaders, all sidebooms, skytracks, all push tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers, all central mixing plants, LOS and larger, finishing machines, all boiler firemen high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power and dredge tender operator

Group IV - LIGHT EQUIPMENT OPERATORS: Oilerdriver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator, conveyor, batch plant, and mortar or concrete mixers, below LOS, end dump Euclid, pumcrete, spray machine and pressure grout machine, air compressors, regardless of size, all equipment, welding machines, light plants, pumps, all well point system de-watering and portable pumps, space heaters, irrespective of size, and motive power, equipment greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, and like equipment, safety boat operator and deckhand

	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation
ROOFERS	\$6.90		.10	
SHEET METAL WORKERS	9.35	.40	.40	
SPRINKLER FITTERS	9.87	.60	.90	
				.02
				.08

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

Paid Holidays:

A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:

a. Paid Holidays - A through F

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employees who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

STATE: Arkansas
 DECISION NO.: AR76-4132
 COUNTY: Sebastian & Crawford
 DATE: Date of Publication
 SUPERSEDES DECISION No. AR76-4005 dated January 16, 1976 in 41 FR 2345
 DESCRIPTION OF WORK: Building, Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$9.80	.35	.60			.015
BOILERMAKERS	9.00	.50	1.00			.02
BRICKLAYERS-Stonemasons	7.55	.30	.25			.02
CARPENTERS:						
Carpenters	6.95	.25	.25			.03
Millwrights & Piledrivers	7.45	.25	.25			.03
CEMENT MASONS	7.72	.25				.03
ELECTRICIANS:						
Electricians	9.05	.35	1%			1/4%
Cable splicers	9.30	.35	1%			1/4%
ELEVATOR CONSTRUCTORS	8.09	.495	.32	3%+a+b		.02
" helpers	702JR	.495	.32	3%+a+b		.02
" " (prob.)	502JR					
IRONWORKERS	9.35	.45	.50			.10
LABORERS:						
Group I	5.72	.20	.30			.04
Group II	5.97	.20	.30			.04
Group III	6.12	.20	.30			.04
Group IV	6.22	.20	.30			.04
Group V	6.37	.20	.30			.04
Group VI	6.62	.20	.30			.04
Group VII	6.52	.20	.30			.04

LABORERS CLASSIFICATION DEFINITIONS

Group I - Construction laborers, concrete labor, wrecking labor, mechanic's labor, excavating labor, plumber's labor, electricians labor, green cutter, blowpipe, and concrete pump hose placer

Group II - Semi-skilled laborer; pipelayers, concrete, clay and mechanical tool, cement mixer, wet or dry finishers, and plasterers, mason tender, mortar mixers, asphalt rakers and shovelers, creosote wood handlers, chuck tender

Group III - Steelform setters, curb and gutters, grout and cement muckers

Group IV - Swinging scaffold, Barco, 90 lb pavement breaker, and burners

Group V - Nozzlemen (Gunite, Grout, and sand blaster; concrete pump (nozzle placer)

Group VI - Powderman & blasterers

Group VII - Mason drill

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$8.44	.35	1%			1/4%
8.59	.35	1%			1/4%
902JR	.35	1%			1/4%
752JR	.35	1%			1/4%
652JR	.35	1%			1/4%
592JR	.35	1%			1/4%
6.50					
6.75					
7.50					
6.75					
7.50					
7.25					
7.50					
7.80					.02
8.50	.30	.35			.02
9.05	.25	.25			
8.21	.25	.25			
7.83	.25	.25			
6.45	.25	.25			

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group I - Cranes, draglines, shovels and piledrivers with a lifting capacity of 50 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 feet or over from the ground, blacksmith, mechanics and/or welders

Group II - Hydraulic cranes, cherry pickers, backhoes and all derricks with a lifting capacity less than 50 tons, as specified by the manufacturer, all backhoes, tractor or truck type, all overhead and traveling cranes, or tractors with swinging boom attachments, gradallis, all above equipment irrespective of motive power, leverman (engineer), hydraulic or bucket drogues, irrespective of size

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

Group III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all front end loaders, all sidebooms, skytracks, all push tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers, all central mixing plants, 10S and larger, finishing machines, all boiler firemen high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power and dredge tender operator

Group IV - LIGHT EQUIPMENT OPERATORS: Oilerdriver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator, conveyor, batch plant, and mortar or concrete mixers, below 10S, end dump Euclid, pumcrete, spray machine and pressure grout machine, air compressors, regardless of size, all equipment, welding machines, light plants, pumps, all well point system de-watering and portable pumps, space heaters, irrespective of size, and motive power, equipment greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, and like equipment, safety boat operator and deckhand

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ROOFERS	\$6.90		.10		
SHEET METAL WORKERS	9.35	.40	.30		.02
SPRINKLER FITTERS	9.87	.60	.90		.08

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a-1st 6 mos. - none; 6 months to 5 yrs. 2%; over 5 yrs. 4% of basic hourly rate.

b-Paid Holidays A through F

PAID HOLIDAYS: A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor

Day; E-Thanksgiving Day; F-Christmas Day.

SUPPLEMENTAL DECISION

DECISION NO. AR76-4133

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STATE: Arkansas
 COUNTY: Garland & Hot Springs
 DATE: Date of Publication
 SUPERSEDES Decision No. AR76-4007 dated January 16, 1976 in 41 FR 2547
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

LABORERS CLASSIFICATION DEFINITIONS (CONT'D)
 Group V - Nozzelman (Gunite, grout, and sand blaster; concrete pump (nozzle placer))
 Group VI - Powderman and blasters
 Group VII - Wagon drill

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$9.40	.35	.30		.02
BOILERMAKERS	9.00	.50	1.00		.02
BRICKLAYERS-Stonemasons	7.55	.30	.25		.02
CARPENTERS:					
Garland County and Northern 2/3 of Hot Springs County					
Carpenters	7.75		.30		.05
Millwrights	8.00		.30		.05
Piledriversmen	8.20		.30		.05
Remainder of Hot Springs County					
Carpenters	7.63	.40	.30		.04
Millwrights	8.13	.40	.30		.04
Piledriversmen	8.13	.40	.30		.04
CEMENT MASONS	8.00	.25			.03
ELECTRICIANS:					
Electricians	9.975		1%		1 1/4%
Cable splicers	10.10		1%		1 1/4%
ELEVATOR CONSTRUCTORS:					
Journymen	8.09	.495	.32	3 1/2%+b	.02
Helpers	702JR	.495	.32	3 1/2%+b	.02
Helpers - probationary	502JR				
IRONWORKERS	8.71	.45	.35		.04
LABORERS:					
Group I	5.72	.20	.30		.04
Group II	5.97	.20	.30		.04
Group III	6.12	.20	.30		.04
Group IV	6.22	.20	.30		.04
Group V	6.37	.20	.30		.04
Group VI	6.62	.20	.30		.04
Group VII	6.52	.20	.30		.04

LABORERS CLASSIFICATION DEFINITIONS

Group I - Construction laborers, concrete labor, wrecking labor, mechanic's labor, excavating labor, plumber's labor, electricians labor, green cutter, blowpipe, and concrete pump hose placer

Group II - Semi-skilled laborer: pipelayers, concrete, clay and mechanical tool, cement mixer, wet or dry finishers, and plasterers, mason tender, mortar mixers, asphalt rakers and shovelers, creosote wood handlers, chuck tender

Group III - Steelform setters, curb and gutters, grout and cement muckers

Group IV - Swinging scaffold, Barco, 90 lb pavement breaker, and burners

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LATHERS:	\$7.50				.02
PAINTERS:					
Brush and roller	6.25				
Paperhanging	6.50				
Sheet rock (tape & float only):					
stage and steel	6.50				
Spray and sandblasting	6.75				
Painters operating any kind of taping or floating machine	8.25				
PLASTERERS	7.80				.02
PLUMBERS-Steamfitters	8.75	.50	.30		.10
POWER EQUIPMENT OPERATORS:					
Group I	9.05	.25	.25		
Group II	8.21	.25	.25		
Group III	7.83	.25	.25		
Group IV	6.45	.25	.25		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group I - Cranes, draglines, shovels and piledrivers with a lifting capacity of 50 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 feet or over from the ground, blacksmith, mechanics and/or welders

Group II - Hydraulic cranes, cherry pickers, backhoes and all derricks with a lifting capacity less than 50 tons, as specified by the manufacturer, all backhoes, tractor or truck type, all overhead and traveling cranes, or tractors with swinging boom attachments, graders, all above equipment irrespective of motive power, leverman (engineer), hydraulic or bucket dredges, irrespective of size

Group III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all front end loaders, all sidebooms, skytracks, all push tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers, all central mixing plants, 105 and larger, finishing machines, all boiler firemen high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power and dredge tender operator

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

Group IV - LIGHT EQUIPMENT OPERATORS: Oilerdriver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator, conveyor, batch plant, and mortar or concrete mixers, below 10S, end dump Euclid, pumcrete, spray machine and pressure grout machine, air compressors, regardless of size, all equipment, welding machines, light plants, pumps, all well point system de-watering and portable pumps, space heaters, irrespective of size, and motive power, equipment greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, and like equipment, safety boat operator and deckhand

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LINE CONSTRUCTION					
Linemen	\$ 9.975		1%		1/4%
Cable splicers	10.10		1%		1/4%
Groundman 1st 6 months	45%JR		1%		1/4%
Truck Driver (with winch)	80%JR		1%		1/4%
Truck Driver (flat bed)	64%JR		1%		1/4%
ROOFERS	6.90		.10		
SHEET METAL WORKERS	9.35	.40	.40		.02
SPRINKLER FITTERS	9.87	.60	.90		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

a. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.

b. Paid Holidays - A through F

PAID HOLIDAYS:

A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. ID76-5066

SUPPERSEDES DECISION

STATE: Idaho
 DECISION NUMBER: ID76-5066
 DATE: Date of Publication
 Supersedes Decision No. ID76-5047 dated June 4, 1976, in 41 FR 22735
 DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

COUNTIES: Statewide

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$10.24	.60	.55			.055
10.14	.60	.55			.055
8.57	.52	.45	.45		.10
8.74	.52	.45	.45		.10
8.86	.52	.45	.45		.10
9.64	.50	.75			.04
9.79	.50	.75			.04
8.67	.45	.45	.30		.10
8.87	.45	.45	.30		.10
9.70	.45	1% + .50			1%
10.67	.45	1% + .50			1%

CARPENTERS (Cont'd):

Benevah, Bonner, etc. (Cont'd):
Millwrights and MachineErector
Piledriver (creosoted material)

Remainder of Counties and Idaho County (south of the northern boundary of Township #29 North):

Carpenters; Floor Layers; Shinglers; Drywall Applicator and Installer

Saw Filer; Piledriverman; Bridgeman and Wharf Builders

Millwrights; Machine Erectors; Piledriverman's Boom Man

CEMENT MASONS:

Benevah, Bonner, Boundary, Clearwater, Idaho County (north of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties:

Cement Masons
Gunnite; Power Machine; Power Tools; Power Troweling Machine; Troweling

Magnesite or other material with oxichloride base)

Remainder of Counties and Idaho County (south of 46th Parallel):

Cement Masons
Power Trowel; Power Grinders; Gunnite and Composition

Floor Layer

ELECTRICIANS:
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties:Electricians
Cable Splicers

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$10.75	.44	\$1.02			
9.99	.52	1.02			.02
10.65	.75	1.00	.50		
10.20	.40	.40			
9.25	.50	.50			
9.75	.35	.40			
9.40	.50	1.00			
9.41	.60	.55			.055
9.74	.60	.55			.055
9.89	.60	.55			.055
9.94	.60	.55			.055
9.99	.60	.55			.055

ASBESTOS WORKERS:

Benevah, Bonner, Boundary, Clearwater, Idaho County (north half), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties

Remainder of Counties and Idaho County (south half)

BOILERMAKERS

BICKLAYERS; Stonemasons

Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley and Washington Counties

Bannock, Bear Lake, Bingham County (south half), Caribou, Franklin, Oneida, Power Counties

Benevah, Bonner, Boundary, Kootenai, Shoshone Counties

Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls Counties

Clearwater, Idaho, Latah, Lewis, Nez Perce Counties

CARPENTERS:

Benevah, Bonner, Boundary, Clearwater, Idaho County (north of the northern boundary of Township #29 North), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties:

Carpenters
Piledriverman; Sawfilers; Stationary Power Wood-working Tool Operator; Floor Layer; Floor Finisher; Floor Sander

Shingler (wood and composition)

Carpenters (burned, charred, creosoted or similarly treated material); Boom Man

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ELECTRICIANS (Cont'd): Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties; Electricians Cable Splicers Remaining Counties: Electricians; Technicians Cable Splicers	\$11.60 12.00 10.00 11.00	.35 .35 .45 .45	1% + .40 1% + .40 1% + .50 1% + .50			.02 .02 1% 1%
ELEVATOR CONSTRUCTORS: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties; Elevator Constructors Elevator Constructors' Helpers Elevator Constructors' Helpers (Prob.) Remaining Counties, except Adams, Lemhi, Valley, Washington Counties: Elevator Constructors Elevator Constructors' Helpers Elevator Constructors' Helpers (Prob.)	10.51 70%JR 50%JR 9.155 70%JR 50%JR	.495 .495 .495 .495 .495 .495	.32 .32 .32 .32 .32 .32	3% + a 3% + a 3% + a 3% + a 3% + a 3% + a		.02 .02 .02 .02 .02 .02
GLAZIERS: Ada, Adams, Boise, Canyon, Elmore, Gem, Gooding County (western part of County from a line running north and south through the eastern limits of the City of Bliss); Idaho County (southern part of County from a line running east and west through the north limits of Elk City), Owyhee, Payette, Valley, Washington Counties	9.89 9.58 9.00 9.75 9.41	.55 .50 .50 .50	1.00 1.00 1.00			.02 .05 .05
LATHERS: Benewah, Bonner, Boundary, Clearwater, Idaho County (north of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties Remaining Counties MARBLE SETTERS: Benewah, Bonner, Boundary, Kootenai, Shoshone Counties Clearwater, Idaho, Latah, Lewis, Nez Perce Counties	9.90 9.90 9.58 9.00 9.75 9.41	.58 .58 .50 .50	1.00 1.00 1.00 1.00	.25 .25 .23		.05 .05 .02 .02
SLAZIERS (Cont'd): Benewah, Clearwater, Idaho County (north of 46th Parallel), Latah, Lewis, Nez Perce Counties Bonner, Boundary, Kootenai, Shoshone Counties Remaining Counties IRONWORKERS: Ornamental; Structural; Reinforcing; Benewah, Bonner, Boundary, Clearwater, Idaho County (north of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties Those portions of Adams, Idaho, Valley, Washington Counties located south of the 46th Parallel and north of the Weiser-Gibbonsville line Remaining Counties and those portions of Adams, Idaho, Valley, Washington Counties located south of the Weiser-Gibbonsville line Gibbonsville line LATHERS: Benewah, Bonner, Boundary, Clearwater, Idaho County (north of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties Remaining Counties MARBLE SETTERS: Benewah, Bonner, Boundary, Kootenai, Shoshone Counties Clearwater, Idaho, Latah, Lewis, Nez Perce Counties	\$7.28 8.79 7.12 10.15 9.90 9.89 9.58 9.00 9.75 9.41	.31 .35 .21 .58 .58 .55 .50 .50 .50 .50	.25 .10 1.00 1.00 1.00 1.00	.28 + b .64 b .25 .25 .23		.05 .05 .02 .02 .02 .02

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
PAINTERS: Ada, Adams, Boise, Canyon, Elmore (except Mt. Home AFB), Gem, Gooding (western third of County including City of Bliss), Idaho County (south of 46th Parallel), Owyhee, Payette, Valley, Washington Counties: Painters and Tapers Elmore (Mt. Home AFB): Painters and Tapers Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Camas, Caribou, Cassia, Clark, Custer, Franklin, Fremont, Gooding (except the City of Bliss and western third of County), Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Power, Teton, Twin Falls Counties: Brush; Roller, Perfataper Structural Steel; Swing Stage; Spray Beneviah, Bonner, Boundary, Clearwater, Idaho County (north of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties: Brush Spray; Steel; Steam Cleaning; Rollers (over 9" or 10" handle); Finish Dry-wall Taper Swing Stage; Over 30 ft. high Bitumastic; Sand Blast; Bridge; Towers; Stacks; Steeples; Tanks on legs PLASTERERS: Beneviah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	\$8.10 9.10 8.06 8.51 9.42 9.67 9.77 9.82 9.68	.45 .45 .35 .35 .40 .40 .40 .40 .50	.30 .30 .10 .10 .70 .70 .70 .70	.07 .07 .005 .005 .02 .02 .02 .02		
PLASTERERS (Cont'd): Remaining Counties: PLUMBERS: Beneviah, Bonner, Boundary, Clearwater, Idaho County (north of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties Remaining Counties and Idaho County (south of 46th Parallel): Plumbers Helpers ROOFERS: Ada, Adams, Boise, Canyon, Custer, Elmore, Gem, Idaho County (south of 46th Parallel), Lemhi, Owyhee, Payette, Valley, Washington Counties: Roofers; Kettlemen Roofers working with coal tar and pitch products Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Power, Teton Counties Beneviah, Bonner, Boundary, Kootenai, Shoshone Counties: Roofers Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls Counties: Roofers and Kettlemen Clearwater, Idaho County (north of 46th Parallel), Latah, Lewis, Nez Perce Counties: Roofers; Kettlemen; Waterproofer	\$8.57 11.60 9.49 70%JR 8.05 9.55 9.15 9.04 6.90 10.05	.45 .65 .47 .47 .33 .33 .40 .50 .10	.45 1.10 .50 .50 .20 .20 .40 .50 .10	.30 1.00 70%JR		.11 .10 .10 .01

LABORERS: (AREA 1): Beneah, Bonner, Boundary, Clearwater, Idaho County (north of 46th Parallel), Koo- tenai, Latah, Lewis, Nez Perce, Shoshone Counties: Group 1 Group 2 Group 3 Group 4 Group 5 Group 6 Group 7 Group 8 Group 9: Class A Class B Class C Class D	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
	\$8.00	.65	.70		.02
	8.15	.65	.70		.02
	8.25	.65	.70		.02
	8.30	.65	.70		.02
	8.35	.65	.70		.02
	8.40	.65	.70		.02
	8.45	.65	.70		.02
	8.55	.65	.70		.02
	8.05	.65	.70		.02
	8.10	.65	.70		.02
	8.50	.65	.70		.02
	8.55	.65	.70		.02
LABORERS: (AREA 2): Remaining Counties and that por- tion of Idaho County south of 46th Parallel: Group 1 Group 2 Group 3 Group 4 Group 5 Group 6 Group 7 Group 8 Group 9 Group 10	6.87 6.97 7.07 7.17 7.22 7.47 7.72	.60 .60 .60 .60 .60 .60 .60	.77 .77 .77 .77 .77 .77 .77	.20 .20 .20 .20 .20 .20 .20	.10 .10 .10 .10 .10 .10 .10
Underground work: Group 8 Group 9 Group 10	7.02 7.17 7.47	.60 .60 .60	.77 .77 .77	.20 .20 .20	.10 .10 .10

POWER EQUIPMENT OPERATORS (Area 1) Beneah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties Group 1 Group 2 Group 3 Group 4 Group 5 Group 6 Group 7	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
	\$8.05	.75	.85		.03
	8.35	.75	.85		.03
	8.90	.75	.85		.03
	9.05	.75	.85		.03
	9.20	.75	.85		.03
	9.45	.75	.85		.03
	9.70	.75	.85		.03
	8.55	.75	.85		.03
	8.85	.75	.85		.03
	9.40	.75	.85		.03
	9.55	.75	.85		.03
	10.00	.75	.85		.03
	10.15	.75	.85		.03
	10.40	.75	.85		.03
	10.65	.75	.85		.03

*ZONE 1: Area within a fifteen (15) mile radius from the center of the following Cities: Lewiston, Idaho and Spokane, Washington.

*ZONE 2: Area within a fifteen (15) mile to forty-five (45) mile radius from the center of the above-named Cities.

*ZONE 3: Area over a forty-five (45) mile radius from the center of the above-named Cities.

With the exception that the area within a fifteen (15) mile radius of the center of the City of Coeur d'Alene, Idaho shall be considered within Zone 1.

POWER EQUIPMENT OPERATORS

(Area 2)
(Remaining Counties and that portion of Idaho County South of the 46th Parallel)

Group 1 Group 2 Group 3 Group 4 Group 5 Group 6 Group 7 Group 8 Group 9 Group 10	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
	\$7.92	.60	.65		.10
	8.08	.60	.65		.10
	8.40	.60	.65		.10
	8.71	.60	.65		.10
	8.88	.60	.65		.10
	9.06	.60	.65		.10
	9.47	.60	.65		.10
	9.70	.60	.65		.10
	9.93	.60	.65		.10
	10.17	.60	.65		.10

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appt. Tr.
\$8.87	.60	.65	.25	.10
8.98	.60	.65	.25	.10
9.10	.60	.65	.25	.10
9.38	.60	.65	.25	.10
9.61	.60	.65	.25	.10
9.84	.60	.65	.25	.10
9.26	.60	.65	.25	.10

	Basic Hourly Rates	Fringe Benefits, Payments			Education and/or Appt. Tc.
		H & W	Pensions	Vacation	
TRUCK DRIVERS:					
(AREA 1):					
Benewah, Bonner, Boundary, Clearwater, Idaho County (north of 46th Parallel), Koo- tenai, Latah, Lewis, Nez Perce; Shoshone Counties:					
Group 1	\$8.88	.97	.70		
Group 2	8.93	.97	.70		
Group 3	8.98	.97	.70		
Group 4	9.08	.97	.70		
Group 5	9.28	.97	.70		
Group 6	9.33	.97	.70		
Group 7	9.38	.97	.70		
Group 8	9.43	.97	.70		
Group 9	9.53	.97	.70		
Group 10	9.58	.97	.70		
Group 11	9.88	.97	.70		
Group 12	10.03	.97	.70		
Group 13	10.18	.97	.70		
Group 14	10.33	.97	.70		
TRUCK DRIVERS:					
(AREA 2):					
Remaining Counties and that por- tion of Idaho County south of 46th Parallel):					
Group 1	7.97	.60	.65	.25	.10
Group 2	8.03	.60	.65	.25	.10
Group 3	8.09	.60	.65	.25	.10
Group 4	8.15	.60	.65	.25	.10
Group 5	8.20	.60	.65	.25	.10
Group 6	8.46	.60	.65	.25	.10
Group 7	8.52	.60	.65	.25	.10
Group 8	8.58	.60	.65	.25	.10
Group 9	8.69	.60	.65	.25	.10
Group 10	8.75	.60	.65	.25	.10
Group 11	8.81	.60	.65	.25	.10
Group 12	8.87	.60	.65	.25	.10
Group 13:					
Class A	8.35	.60	.65	.25	.10
Class B	8.46	.60	.65	.25	.10
Class C	8.69	.60	.65	.25	.10

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LABORERS (AREA 1)

Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to including stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, handling the nozzle of squeezeconcrete or similar machine - 6" and smaller); Concrete Signalman; Crusher Feeder; Demolition (to include clean-up, burning, loading, wrecking and salvage of all material); Driller Helper; Dumpman; Fence Erector (to include guard rails, guide and reference posts, sign posts, and right-of-way markers); General Laborers; Grout Machine Header Tender; Nipper; Riprap Man; Scaleman; Stake Jumper; Structural Mover (to include separating foundation preparation, cribbing, shoring, jacking and unloading of structure); Tailhoseman (water nozzle); Track Laborer (RR); Truck Loader; Timber, Buckler and Faller (by hand); Window Cleaner (prior to completion of construction)

Group 2: Cement Finisher Tender; Cement Handler; Demolition Torch; Dope Pot Fireman, non-mechanical; Form Cleaning Machine - Feeder, Stacker; Form Setter, paving; Driller Helper (when required to move and position machine); Nozzleman, water and air or steam; Pipe Layer, corrugated metal culvert; Pipewrapper; Pot Tender; Powderman Helper; Power Tool Operator, gas, electric, pneumatic; Sandblast Tailhoseman; Scaffold Erector, wood or steel; Railroad Equipment, power driven, except dual mobile power spiker or puller; Rodder and Spreader; Wheelbarrow, power driven; Well-point Man; Vibrator up to 4"

Group 3: Asphalt Raker; Asphalt Roller, walking; Chain Saw Operator with attachments; Concrete Saw, walking; Grade Checker, using level; Jackhammer Operator; Multi-section Pipe Layer; Nozzleman (to include squeeze and flowcrete nozzle); Pavement Breaker; Power Buggy Operator; Railroad Power Spiker or Puller, dual mobile; Taper (to include operation of Barco, Essex and similar taper and pavement breakers); Trencher, Shamsee; Water Pipe Liner; Wagon Drills

Group 4: Chain Saw (faller); Laser Beam Operator; Pipe Layer (Caulker, Collarman, Joiner, Mortarman, Rigger, Jacker, Shorer and Lagger but not including laying corrugated metal culvert pipe)

Group 5: Concrete Stack; Mortar Mixer

Group 6: Caisson Worker, free air; High Scaler

Group 7: Brush Machine (to include Horizontal Construction Joint Clean-up Brush Machine, power propelled); Drills (to include Down-the-hole Drills with 3 1/2 inch piston or larger and Out-of-the hole Drills with 4 1/2 inch piston or larger); Gunitite (to include operation of machine and nozzle); Hod Carrier; Monitor Operator, Air Track or similar mounting; Nozzleman (to include Jet Blasting Nozzleman over 1,200 pounds, Jet Blast Machine, power propelled, Sand Blast Nozzle); Vibrator, 4 inches and over

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LABORERS (AREA 1) (Cont'd)

Benewah, Bonner Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties

Group 8: Air Track Drills with Dual Masts and Drills; Powderman

TUNNEL AND SHAFT, FREE AIR

Group 9:

Class A: Bull Gang, Pump Crete Crewman including distributing Pipe, assembling and dismantle and Nipper
Class B: Brakeman, Dumpman
Class C: Miner and Nozzleman for Concrete and Laser Beam Operator on tunnels
Class D: Raise and Shaft Miner and Laser Beam Operator on raises and shafts

LABORERS (AREA 2)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 1: General Laborers; Sloper, clearing and grading; Form Stripper; Concrete Crew; Concrete Curing Crew; Carpenter Tender; Asphalt Laborer; Hopper Tender; Flagman, (including Pilot Car); Watchman; Heater Tender; Stake Jumper; Choker Setter; Spreader and Weighman; Power Wheelbarrow; Scouring Concrete; Rip Rap Man (hand placed); Fence Erector and Installer - manual or mechanical (includes the installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers); Crusher Helper; Cribbing and Shoring (in open ditches); Machinery and Parts Cleaner; Leverman - manual or mechanical; Demolition - Salvage; Landscaper; Tool Room Man; Janitor

Group 2: Chuck Tender; Driller Helper; Air Tampers; Gunitite Nozzleman Tender; Pipewrapper Tar Pot Tender; Concrete Sawyer; Signalman, handling cement; Dumpman; Steam Nozzleman; Air and Water Nozzleman (Green Cutter, concrete); Vibrator (less than 4"); Pumpcrete and Grout Pump Crew; Hydraulic Monitor

Group 3: Pipelayer, including sewer, drainage, sprinkler systems and water lines; Free Air Caisson; Jackhammer; Paving Breaker; Powderman Helper; Asphalt Raker, Gasoline powered Taper; Electric Ballast Taper; Sand Blasting Form Setter - airport paving; Gunman (gunitite); Manhole Setter; Hand guided Machines, such as Roto fillers, Trenchers, Post Hole Diggers, Walking Garden Tractors, etc.; Form Setter (highway curb and gutter); Vibrator (4" and over); Timber Faller and Bucker; Metal Pan Installer

Group 4: Hod Carrier; Mason Tender; Plaster Tender; Mason Tender (concrete); Terrazzo-File Tender

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LABORERS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 5: Highscaler; Wagon Drill; Grade Checker; Gunite Nozzleman; Diamond Drillers on Drills

Group 6: Drill with Manufacturers' rating 3" or over

Group 7: Powderman

UNDERGROUND WORK

Group 8: Reboundman; Chucktender; Nipper; Dumpman; Vibrator (less than 4"); Brakeman; Muckers; Bull Gang

Group 9: Form Setter and Mover

Group 10: Miners; Machinemen; Timbermen; Steelmen; Drill Doctors; Spaders and Tuggers; Spiling and/or Caisson Workers; Vibrator (over 4")

POWER EQUIPMENT OPERATORS (AREA 1)

Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties

Group 1: Bit Grinders; Bolt Threading Machine; Compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Drillers; Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or welder, H.D.); Oilier; Oiler and Cable Tender; Mucking Machine; Pumpman; Rollers, all type on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Steam Cleaner; Welding Machine

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator, Fireman or Pugmiller (asphalt); Bagley or stationary Scraper; Batch Plant and Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Elevator Hoisting Materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drum; Loader (Bucket Elevators and Conveyors); Longitudinal Float; Mixer (portable-concrete); Pavement Breaker (Hydra-hammer and similar); Post Hole Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamping Operator, (self-propelled); Railroad Power Tamping Jack Operator, (self-propelled); Spray Curing Machine (concrete); Sprayer Box (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except Backhoe); Tugger Operator; Ditch Witch or similar

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POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Belt-crete Conveyors with Power Pack or similar; Belt Loader (Kocal or similar); Blade operator (motor patrol and attachments); Boat Operators; Boom Cuts (side); Boring Machine (earth); Boring Machine (rock under 8" bit)(Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (Concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pumpcrete, Whitman and similar); Drills (Churn, Core, Calyx, or Diamond); Elevating Belt-type Loader (Euclid, Barber Greene or similar); Elevating Grader-type Loader (Dumort, Adams or similar); Equipment Serviceman, Greaser and Oilier; Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Hoist (2 or more drums or tower hoist); Loaders (overhead and front-end under 4 yards, R/T); Locomotive Engineer; Mixermobile; Mucking Machines; Power or Curb Extruder (Asphalt and concrete); Pump (Grout or Jet); Roller (finishing pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yards); Scream Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (Crawler including Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 feet depth capacity); Turnhead Operator; Vacuum Drill (reverse circulation drill, under 8")

Group 4: Asphalt Plant Operator; Crusher; Grizzle and Screening Plant Operator; H. D. Mechanic; H. D. Weider; Refrigeration Plant Engineer (under 1,000 tons); Rubber-tired Scraper, Multi-engine power, with one scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Surface Heater and Planer Machine; Turnhead (with re-screening)

Group 5: Automatic Subgrader (ditches and trimmers)(Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (under 3 yards); Batch and Wet Mix Operator - multiple units (2 and including 4); Chipper (with crane); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes all (under 65 tons); Derricks and Stifflegs (under 65 tons); Draglines (under 3 yards); Drilling Equipment (8" bit and over)(Robbin's Reverse Circulation and similar); Loader Operator (Front End and Overhead 4 yards to 8 yards); Piledriving Engineers; Paver (dual drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, multi-engine, power with one scraper (Euclid, TS-24 and similar); Push Pull or Help Mate in use; Rubber-fired scrapers, multiple engines with two scrapers; Shovels (under 3 yards); Refrigeration Plant Engineer (1,000 tons and over); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 feet depth and over); Multiple Dozer units with single blade

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POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)
 Remaining Counties and that portion of Idaho County, South of the 46th Parallel

Group 5: Concrete Plant Operator; Concrete Road Paver (dual); Elevating Grader Operator; Euclid Elevating Loader; Generator Plant Operator - Mechanic (diesel - electric); Instrument Man; Post Hole Auger or Punch Operator; Power Shovels and Draglines - under 1 yard; Pump-crete; Refrigeration Plant Operator; Road Roller (Finishing High Type Pavement); Skidder - rubber-tired; Subgrader; Multiple Station Beltline Operator (Teton Dam Project only); Service Oiler

Group 6: Asphalt Pavers - self-propelled; Asphalt Plant Operator; Blade Operator (motor patrol); Concrete Slip Form Paver; Cranes - up to and including 50 ton; Crusher Plant Operator; Derrick Operator; Drilling Equipment (Bit under 8 inches)(Robbins Reverse Circulation and similar); Front End and Overhead Loaders and similar Machines (over 4 yards to and including 7 yards); Koehring Scooper; Heavy Duty Mechanic or Welder; Mucking Machine (underground); Multi-batch Concrete Plant Operator; Piledriver Engineer; Power Shovels and Draglines (1 yard to and including 3 1/2 yards); Tower Crane Operator; Tractor - Crawler type - including all attachments; Refrigeration Plant Operator (over 1,000 tons); Trimmer-Machine Operator; Tournapulls - Euclid and similar - to and including 40 yards

Group 7: Cableway Operator; Continuous Excavator (Barber Greene WL-50); Cranes - over 50 ton; Dragages; Drilling Equipment (Bit 8 inches and over)(Robbins Reverse Circulation and similar); Fine Grader - CMI or Equivalent; Front End and Overhead Loaders and similar Machines - (over 7 yards); Power Shovels and Draglines over 3 1/2 yards; Quad type Tractors with all attachments; Tournapulls - Euclid and similar - over 40 yards to and including 50 yards; Multiple Scraper Units

Group 8: Tournapulls - Euclid and similar - over 50 yards to and including 75 yards

Group 9: Tournapulls - Euclid and similar - over 75 yards to and including 100 yards

Group 10: Tournapulls - Euclid and similar - over 100 yards

TRUCK DRIVERS (AREA 1)
 Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties
 Group 1: Flat Bed Truck, Single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 pounds and under; Fuel Truck Driver (steam cleaner and washer); Helper and Swamper; Leverperson loading trucks at bunkers; Pickup hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck 1,800 gallons and under

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POWER EQUIPMENT OPERATORS (Area 1) (Cont'd)
 Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties

Group 6: Backhoes (3 yards and over); Batch Plant (over 4 units); Cableway Controller - Dispatcher; Cableway Operator; Clamshell Operator (3 yards and over); Cranes, all - 65 tons and over; Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front-end over 8 yards to 12 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Tower Crane; Whirlleys and Hammerheads (all)

Group 7: Helicopter Pilot; Loaders (overhead and front-end - over 12 yards)

POWER EQUIPMENT OPERATORS (Area 2)
 Remaining Counties and that portion of Idaho County, South of the 46th Parallel

Group 1: Brakemen; Crusher; Plant Feeder (mechanical); Deckhand; Drill Helpers; Grade Checkers; Heater Tender; Land Plane; Oilers; Pumpman; Rear Chairman

Group 2: Air Compressor; Asphalt Refrigeration Plant Operator; Bell Boy; Bit Grinder; Blower Operator (Cement); Bolt Threader Machine Operator; Broom; Cement Hog; Concrete Mixer; Concrete Saw - Multiple Cut; Dicing - Harrowing or Mulching (regardless of motive power); Distributor Leverman; Drill Steel Threader Machine Operator; Fireman - all; Heavy Duty Mechanic Helper or Welder Helper; Hoist - single drum; Hydraulic Monitor Operator - skid mounted; Oiler (single piece of equipment); Pugmiser - box or screed Operator; Spray Curing Machine; Tractor - rubber-tired farm type using attachments

Group 3: A-Frame Truck (Hydra Lift, Swedish Cranes, Ross Carrier, Hyster on construction jobs); Battery Tunnel Locomotive; Belt Finishing Machine; Cable Tenders (underground); Chip Spreader Machine (self-propelled); Head Chainman; Hoist, 2 or more drums or Tower Hoist; Hydraulic Lift - Fork Lift and similar (when hoisting); Oilers (underground); Power Loader (Bucket Elevator, Conveyors); Rodman; Road Roller (regardless of motive power)

Group 4: Boring Machine (earth or rock)(Quarry Master - Joy)(Tractor mounted); Drills: Churn - Core - Calyx or Diamond; Front End and Overhead Loaders and similar machines - (up to and including 4 yards) - (Rubber-tired); Grout Pump; Hydra-hammer; Locomotive Engineer; Longitudinal Float Machine; Mixermobile; Spreader Machine; Tractor - Rubber-tired - using Backhoe, Transverse Finishing Machine, Trenching Machines, Waggoner Compactor and similar, Asphalt Spreaders

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POWER EQUIPMENT OPERATORS (AREA 2)
Remaining Counties and that portion of Idaho County South of the 46th Parallel

- Group 1: Leverman loading at bunkers; Pilot Car or Escort Driver
- Group 2: Flat bed - 2 axle and pickup hauling materials; Water Tank Truck (1,800 gallons and under); Fork Lift (3,000 and under)
- Group 3: Flat Bed - 3 axle; Fuel Truck (1,000 gallons and under); Greaser; Fireman; Serviceman; Buggy; Man Haul (Shuttle Truck or Bus)
- Group 4: Transit Mix Truck - 3 yards and under; Warehouseman; Truck Helpers; Slurry or concrete pumping truck
- Group 5: Flat Bed using power takeoff; Water tank Truck (over 1,800 to 4,000 gallons); Semi-trailer - Low Boy - up to 96,000 lbs. GVW; Bulk cement tanker - up to 96,000 lbs. GVW; Fork Lift - over 3,000 lbs. (Bull lift, Hydro lift); Ross, Hyster and similar straddle equipment; "A" Frame Truck (Swedish Crane, Iowa 3,000 Hydro-lift)
- Group 6: Transit Mix Truck, over 3 yards - 6 yards
- Group 7: Water Tank Truck - over 4,000 gallons; Fuel Truck - over 1,000 gallons; Distributor or Spreader Truck
- Group 8: Transit Mix Truck - over 6 yards - 8 yards; Dumpsters; Field Tireman; Serviceman
- Group 9: Transit Mix Truck - over 8 yards to 10 yards; Snow Plow (Truck mounted)
- Group 10: Low Boy - 96,000 lbs. GVW and over; Bulk Cement Tanker - 96,000 lbs. GVW and over

Group 11: Transit Mix Truck - over 10 yards

Group 12: Turnarocker and similar equipment

Group 13: Truck - side, end and bottom dump

- Class A: 6 yards and under
- Class B: Over 6 yards - including 12 yards
- Class C: Over 12 yards - including 20 yards
- Class D: Over 20 yards - including 30 yards
- Class E: Over 30 yards - including 40 yards
- Class F: Over 40 yards - including 50 yards
- Class G: Over 50 yards - including 75 yards
- Class H: Over 75 yards - including 100 yards
- Class I: Over 100 yards

Group 14: Truck Mechanic

DECISION NO. 1D76-5066

TRUCK DRIVERS (AREA 1) (Cont'd)
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties

- Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1; Warehouseperson
- Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power operated Sweeper; Semi-trailer, Low Bed, Truck and Trailer; Straddle Carrier (Ross, Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yards); Water Tank Truck (1,801 to 4,000 gallons)
- Group 4: Auto Crane - 2,000 pounds capacity; Bulk Cement Spreader; Dumpster (6 yards and under); Flaherty Spreader, Box Driver; Flat Bed Truck (using power take off); Fork Lift (over 3,000 pounds); Oil Distributor Driver (road, bootperson, leverperson helper); Rubber-tired Tunnel Jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks hauling concrete (over 3 yards to 6 yards); Water Tank Truck (4,001 to 6,000 gallons); Wrecker and Tow Trucks
- Group 5: Low Boy (under 50 tons); Service Greaser; Tireperson No. 2; Truck, side, end, and bottom dump (over 6 yards to 12 yards)
- Group 6: A-Frame (Swedish Crane, Iowa 3,000, Hydro-lift); Water Tank Truck (Over 6,001 to 8,000 gallons)
- Group 7: Dumpster (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end and bottom dump (over 12 yards including 20 yards)
- Group 8: Low Boy (over 50 tons); Water tank truck (8,001 to 10,000 gallons);
- Group 9: Transit Mixers and Trucks hauling concrete, (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards); Water Tank Trucks (10,001 to 12,000 gallons)
- Group 10: Mechanic, field
- Group 11: Turnarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards); Water Tank Truck (12,001 to 14,000 gallons)
- Group 12: Transit Mixers and Trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)
- Group 13: Truck, side, end and bottom dump, (over 50 yards to 100 yards)
- Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end, and bottom dump (over 100 yards)

KY76-1077 - (Cont'd)

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
CLASS A	9.80	.35	.35			.05
CLASS B	7.51	.35	.35			.05
CLASS C	6.89	.35	.35			.05

CLASS A:

Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoetype machine, hoisting engine (2 or more drums) locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift, (regardless of lift height), all types of boom cats, cora drill, hop tow or push boat, concrete paver, Gradsall, hoist, hystor, pumcrete, Ross carrier, side boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydro crane, backfiller, gurrries, sub-grader

CLASS B:

All air compressors (600 cu. ft. per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp. and over) bull float, finish machine, outboard motor boat, flexoplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, Whirley oiler, self-propelled compactor, tractor and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (one drum or buck hoist), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor

CLASS C:

Bituminous distributor, cement gun, conveyor, mud jack joint machine, roller (earth), tamping machine, tractors (under 50 hp.), vibrator, oiler, concrete saw, burliap and curing machine, hydro-seeder, power form handling equipment, deckhand oiler, hydraulic post driver, and drill helper

NOTICES

KY76-1077 - (Cont'd)

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
GROUP I	7.15	a	a	b		
GROUP II	7.05	a	a	b		
GROUP III	6.98	a	a	b		
GROUP IV	6.87	a	a	b		
GROUP V	6.75	a	a	b		

GROUP I: Euclid and other heavy moving equipment and lowboy; Winch truck and A-frame and monorail truck used to transport building materials; Fork lift truck when used to transport building materials

GROUP II: Mechanic; Concrete mixers (all types), hauling only on job site

GROUP III: Over 3 tons; Semi-trailer, tandem axle or pole trailers & dumps

GROUP IV: 3 tons and under; Mechanic helpers; greasers and tire changers

GROUP V: Helpers

FOOTNOTES:

- Employer contributes \$13.50 per week to Health & Welfare; and \$14.00 per week to Pensions for each employee whose name appears on the payroll that week who has been employed a minimum of 20 week days within any 90 consecutive day period.
- Employees who have been regularly employed on a project by an employer for one year and who have worked a minimum of 1200 hours during the year receive a vacation and pay for 40 hours. Employees who have been regularly employed on a project by an employer for one year, and who have worked a minimum of 650 hours during the year receive a vacation and pay for 20 hours. Employees who have worked 1200 hours since their 2nd year of employment and have completed three years receive an additional week vacation (40 hours).

STATE: Kentucky
 COUNTY: Henderson
 DATE: Date of Publication
 Decision NUMBER: KY76-1078
 Supersedes Decision No.: AR-4025 dated August 30, 1974 in 39 FR-31796
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vocation		
Asbestos workers	9.35	.35	.30			
Boilermakers	10.05	.60	1.00			.02
Bricklayers	9.57					
Carpenters	8.87	.30	.40			
Cement masons	8.55	.45	.40			
Electricians	9.33	.40	1%			
Glaziers	8.875	.41	.20			1/8 of %
Ironworkers, structural, ornamental & reinforcing	10.22	.55	.75			.025
Millwrights	7.50	.25	.35			
Painters (Commercial):						
Brush	7.75	.55	.30			
Spray: Sandblasting	8.50	.55	.30			
Painters (Industrial):						
Brush	8.90	.55	.30			
Spray	9.65	.55	.30			
Sandblasting	9.65	.55	.30			.10
Plumbers & Pipefitters	10.68	.50	.80			
Roofers	8.21	.30	.15			.02
Sheet metal workers	8.80	.35	.35			

KY76-1078 - Cont'd

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vocation		
GROUP A	6.40	.35	.35			.09
GROUP B	6.60	.35	.35			.09
GROUP C	6.70	.35	.35			.09
GROUP D	7.40	.35	.35			.09

BUILDING CONSTRUCTION

LABORERS:

GROUP A
 Building & Construction Laborers, Scaffold Builders other than for Mason or Plasterers, Ironworkers' Helpers, Mechanic Helpers, Mechanic Tenders, Window Washers & Cleaners, Roofers' Helpers, Railroad Laborer, Masonary Wall Washers (interior & exterior), Cement Finishers' Helpers, Carpenters helper, all portable water pumps with discharge up to 3".

GROUP B
 Waterproofing Handling of Cresote Lumber on like treated material (excluding railroad material), Asphalt Bakers & Lutemen, Kettlemen, Air Tool Operating, Vibrators, Chipping Hammer Operator, Jackmen & Sheeting Men Working in ditches deeper than 6', Laborers working in ditches 6' in depth or deeper, assembly of Unicrete Pump, Chain Saw Operators, Tile Layers (sewer or field), Sewer Pipe Layers (metallic & non-metallic), Motor-driven Wheelbarrows & Concrete Buggies, Hyster Opera-pump Crete Assemblers, Conveyors Assemblers, Core Drill Operators, Cement, Lime, or Silica Clay Handlers (bulk or bag), Pneumatic Spikers, Deck, Engine & Winch Operator, Water Main & Cable Ducking (metallic & non-metallic)

GROUP C

Plaster Tenders, Mortar Mixers, Welders (acetylene or electric), Cutting Torch or Burner, Cement Nozzle Laborers, Cement Gun Operator, Scaffold Builders when working for Plasterer or Masons, Mason Tenders.

GROUP D

Dynamite Men

KY76-1078- (Cont'd)

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
CLASS A	9.80	.35	.35			.05
CLASS B	7.51	.35	.35			.05
CLASS C	6.89	.35	.35			.05

CLASS A:

Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engine, elevating grader and all types of loaders, hoist-type machine, hoisting engine (2 or more drums) locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orange-peel bucket, pile driver, power blade, motor grader, roller, (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift, (regardless of lift height), all types of boom cranes, crane drill, hop tow or push boat, concrete paver, gradeall, hoist, hystar, pumpcrete, Ross carrier, side boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, Ke Cal loader, tower cranes (French, German and other types), hydro crane, backfiller, guries, sub-grader

CLASS B:

All air compressor (600 cu. ft. per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp. and over) bull float, finish machine, outboard motor boat flexoplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, Whitley oiler, self-propelled compactor, tractor and road widening trencher and farm tractor with attachments except backhoes, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (one drum or buck hoist), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor

CLASS C:

Bituminous distributor, cement gun, conveyor, mud jack joint machine, roller (earth), tamping machine, tractors (under 50 hp.), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment deckhand oiler, hydraulic post driver, and drill helper

TRUCK DRIVERS:

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
GROUP 1	7.345	.325	a12.00			
GROUP 2	7.455	.325	a12.00			
GROUP 3	7.565	.325	a12.00			
GROUP 4	7.675	.325	a12.00			
GROUP 5	7.785	.325	a12.00			
GROUP 6	7.895	.325	a12.00			
GROUP 7	7.905	.325	a12.00			
GROUP 8	7.515	.325	a12.00			
GROUP 9	7.175	.325	a12.00			
GROUP 10	7.245	.325	a12.00			

Single axle straight truck, wet or dry, over 3(3LE) batches

GROUP 2

Tandem trucks or dog-legs, trucks over 15 ton payload, single-axle semi-truck (3 axle unit) Low-Boys single axle (3-axle unit) Low-boys single axle (3-axle unit), Winch trucks or A-frames when used to transport material; Batch truck wet or dry, over 3(3LE) batches, farm tractors pulling trailers

GROUP 3

Tandem axle semi-trucks (4-axle unit), drivers on equipment when not self-loaded or pusher loaded such as Koehring or similar dumpers, track trucks Euclid bottom dump & hug bottom dump, Tournatrailers, Tournarockers or similar equipment 12 cu yds. & under; Low-Boys, Tandem axle (4 axle unit), drivers on pavement breakers

GROUP 4

Tandem-Tandem Semi-Trucks (5-axle unit Low Boys Tandem (5-axle unit)

GROUP 5

Drivers on equipment when not self-loaded or pusher loaded on such Koehring or similar dumpers, track trucks Euclid bottom dump & hug bottom dump, Tournatrailers, Tournarockers or similar equipment over 12 cu. yds. Truck Mechanic Drivers on mixer trucks all types

GROUP 6

Drivers on bituminous distributors two-man

GROUP 7

Drivers on bituminous distributors one-man

GROUP 8

Drivers of pickup trucks when hauling equip., supplies & material to & from the job site.

GROUP 9

Helpers, Greasers, Tire Men & Members tenders batch boards

FOOTNOTES:

a. Per Week Per Employee

P.2

KY76-1079 - (Cont'd)

34-KX-1-Q

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:

- a. Six paid holidays: A through F.
- b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
- c. Nine paid holidays: A through F, plus Washington's Birthday, Christmas Eve and Good Friday, providing employee has worked 15 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holidays.
- d. Employer contributes 3% of gross income to Stabilization Agreement for Sheet Metal Industry fund.

SUPERSEDES DECISION

STATE: Kentucky
DECISION NUMBER: KY76-1079
SUPERSEDES DECISION No.: KY75-1101 dated October 17, 1975 in 40 FR-48857
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories.)

COUNTY: Fayette

DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appt. Tr.
		H & W	Pensions	Vacation	
Asbestos workers	10.21	.45	.65		.02
Boilermakers	10.05	.60	1.00		
Bricklayers	9.25	.25	.50		
Carpenters:	9.25	30	.30		
Millwrights	9.75	.30	.30		
Millwrights	9.75	.30	.30		
Plumbers	9.55	.40	1%+.50		.025
Cement masons	10.65	.495	.32	1%+.50	.02
Electricians	10.29	.495	.32	1%+.50	.02
Elevator constructors	70%IR				
Elevator constructors' helpers	50%IR				
Elevator constructors' helpers (prob.)	7.80				
Glaziers	10.50	.75	.85		.05
Ironworkers:	10.50	.75	.85		.05
Structural	10.50	.75	.85		.05
Ornamental	10.50	.75	.85		.05
Reinforcing	8.99	.30	.10		.01
Lathers	8.25				
Leadburners					
Line Construction:	11.05	.35	1%		1% of 1%
Linemen and equipment operators	8.84	.35	1%		1% of 1%
Groundmen truck driver					
Groundmen truck driver with winch or pole steel handling	9.39	.35	1%		1% of 1%
Marble setters	8.10	.25	.25		
Painters:					
Brush & roller	8.20				
Paperhangers	8.20				
Spray and sandblasting	8.95				
Plasterers	8.55				
Plumbers and steamfitters	10.40	.25	.60		.02
Roofers	6.20	.35			
Sheet metal workers	10.61	.60+d	.60		.07+.02
Soft floor layers	9.25	.30	.30		.08
Sprinkler fitters	11.40	.60	.90		
Stonemasons	9.25	.25	.50		
Terrazzo workers	8.10	.25	.25		
Tile setters	8.10	.25	.25		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

KY76-1079 - (Cont'd)

LABORERS:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP I	6.15	.35	.35		
GROUP II	6.35	.35	.35		
GROUP III	6.50	.35	.35		
GROUP IV	6.55	.35	.35		
GROUP V	6.65	.35	.35		
GROUP VI	6.75	.35	.35		
GROUP VII	7.35	.35	.35		
GROUP VIII	7.65	.35	.35		

GROUP I: Tool room checkers, carpenters' tenders, landscapers, roofers' helpers, sheeting and shoring, construction laborers

GROUP II: Air track drills, jackhammers, wagon drills, pavement breakers, chain saws, Barco tampers, all types of vibrators for concrete and grade work, concrete saws, sewer pipe layers, all storm sewers, sanitary sewers, signal men, asphalt men, rakers, batchmen, plant scale men, form setters (street or highway), hand spiker

GROUP III: Mason tenders, Plaster tenders, bug operators

GROUP IV: Gunnite nozzlemen, Powderman helpers, Fork lift, Pumpmen

GROUP V: Gunnite nozzle machine, Powderman and blasters, Tunnels and cofferdams

GROUP VI: Miners tunnels or cofferdams

GROUP VII: Caisson holes (6' and over including tools), Sand hogs (pressure air)

GROUP VIII: Sand hogs (free air)

KY76-1079 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CLASS A	9.80	.35	.35		.05
CLASS B	7.51	.35	.35		.05
CLASS C	6.89	.35	.35		.05

Class A: Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, Clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoetype machine, hoisting engine (2 or more drums) locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, (regardless of lift height), all types of boom cats, core drill, hop tow or push boat, concrete paver, Gradeall, hoist, hysler, pumpcrete, Ross carrier, side boom, tail boom, rotary drill, Hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, Kecal loader, tower cranes (French, German and other types), hydro crane, backfiller, gurries, sub-grader

Class B:

All air compressors (600 cu. ft. per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock tractor (50 hp. and over) bull float, finish machine, outboard motor boat, flex-plate, firemen, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakemen, mechanic helper, Whirley oiler, self-propelled compactor, tractor and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (one drum or buck hoist), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor

Class C:

Bituminous distributor, cement gun, conveyor, mud jack joint machine, roller (earth), tamping machine, tractors (under 50 hp.), vibrator, oiler, concrete saw, bulap and curing machine, hydro-seeder, power form handling equipment, deckhand oiler, hydraulic post driver, and drill helper

KY76-1079 - (Cont'd)

TRUCK DRIVERS:

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
6.87	a	b		
6.98	a	b		
7.05	a	b		
6.87	a	b		
7.15	a	b		

3 tons and under

Over 3 tons, semi-trailer, or pole trailers, dump truck, tandem axle, farm tractor when used to pull bldg. materials or equipment

Truck mechanic, driver, concrete mixer trucks (all types, hauling only on jobs sites)

Greaser tire changer and mechanic's helpers

Driver, Euclid and other heavy moving equipment and low-boy winch truck when used to transport building materials, fork lift truck, when used inside warehouse or storage area

Footnotes:

a. Employer contributes \$13.50 per week for employee who has been employed 20 work days within 90 consecutive days.

b. Employer contributes \$11.00 per week for employee who has been employed 20 work days within 90 consecutive days.

SUPERSEDEAS DECISION

STATE: Kentucky
 DECISION NUMBER: KY76-1080
 Supersedeas Decision No.: AP-183 - dated May 4, 1973 in 38 FR-11278
 DESCRIPTION OF WORK: Residential construction of single family homes and garden type apartments up to and including 4 stories.

COUNTIES: See below*

DATE: Date of Publication

*Counties:
 Breckinridge, Bullitt, Hardin,
 Jefferson, Marion, Meade,
 Nelson, Oldham, Shelby, Spencer,
 and Washington

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Air conditioning & heating mechanics	4.46				
Bricklayers	5.50				
Carpenters	4.72				
Carpet layers	4.50				
Cement masons	5.01				
Drywall hangers	5.26				
Drywall finishers	5.95				
Electricians	4.59				
Ironworkers	4.30				
Laborers:					
Laborers	3.42				
Hod carriers	3.67				
Painters & Steamfitters	5.00				
Plumbers & Steamfitters	7.25				
Roofers	5.00				
Sheet metal workers	4.00				
Soft floor layers	5.00				
Stonemasons	4.00				
Tile setters	5.00				
Truck drivers	3.42				
POWER EQUIPMENT OPERATORS:					
Backhoe	6.23				
Blade grader	4.12				
Bulldozers	4.00				
Firemen, Oilers	4.55				
Fork lift operators	4.83				
Tractors	4.25				
Trenching machines	5.00				

DECISION NO. LA76-4131

AREA COVERED BY BRICKLAYERS ZONES

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes
 ZONE 2 - Evangeline, Pointe Coupee & St. Landry Parishes
 ZONE 3 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Vermilion & Vernon Parishes
 ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish Line on the west along U.S. Highway 190 through the lower limits of Covington, along State Highway 58, through the lower limits of Abita Springs & Talisheek and on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parishes
 ZONE 5 - St. Tammany (north half including Covington north of Highway 190) & Washington Parishes
 ZONE 6 - Avoyelles, Catahoula, Concordia, Grant, LaSalle & Rapides Parishes
 ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
 ZONE 8 - Natchitoches & Sabine Parishes
 ZONE 9 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
 ZONE 10 - Iberia, Lafayette, St. Martin & St. Mary Parishes

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 1	\$ 7.64	.30			
ZONE 2	8.395	.35	.28		.05
ZONE 3	8.10	.35	.30		
ZONE 4	8.80	.20	.30		.04
ZONE 5	9.37	.35	.30		.04
ZONE 6	9.205	.35	.30		.04
ZONE 7	7.85				
ZONE 8	8.30	.35	.25		.04
ZONE 9	7.85				
ZONE 10	7.65	.35	.20		.05

CARPENTERS

ZONE 1
 ZONE 2
 ZONE 3
 ZONE 4
 ZONE 5
 ZONE 6
 ZONE 7
 ZONE 8
 ZONE 9
 ZONE 10

AREA COVERED BY CARPENTERS ZONES

ZONE 1 - Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes
 ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
 ZONE 3 - Parts of St. Tammany & Tangipahoa (north of I-12 from the Mississippi State Line to the western boundary of Tangipahoa Parish) & Washington Parishes

STATE: Louisiana

DECISION NO.: LA76-4131

PARISH: Statewide

DATE: Date of Publication

Superseded Decision No. LA76-4091, Dated May 21, 1976, in 41 FR 21084.
 DESCRIPTION OF WORK: Building Construction in all Parishes, Residential Construction in Bossier, Caddo & Calcasieu Parishes and Construction of Highways, Roads, Streets and Parking Areas in all Parishes except St. Mary (except those let with a building contract).

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 1	\$ 9.595	.425	.70		.04
ZONE 2	9.38	.325	.685		.025
ZONE 3	8.40	.45	1.00		.05
ZONE 4	7.78	.30			

AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE 1 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Rapides, Vermilion & Vernon Parishes
 ZONE 2 - Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Grant, Jackson, Lincoln, Natchitoches, Ouachita, Red River, Sabine, Union, Webster & Winn Parishes
 ZONE 3 - Ascension, Assumption, Avoyelles, Catahoula, Concordia, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafayette, Lafourche, LaSalle, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge & West Feliciana Parishes
 ZONE 4 - East Carroll, Franklin, Madison, Morehouse, Richland, Tensas & West Carroll Parishes

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 1	\$ 9.00	.50	1.00		.02
ZONE 2	8.24	.30	.25		.06
ZONE 3	8.15	.53			
ZONE 4	9.45	.48	.30		.02
ZONE 5	9.84	.25	.20		.035
ZONE 6	8.25				
ZONE 7	8.15	.53			
ZONE 8	8.55	.40	.45		
ZONE 9	8.25		.30		
ZONE 10	9.20		.25		

BOILERMAKERS

BRICKLAYERS & STONEMASONS

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AREA COVERED BY CARPENTERS ZONES (CONT'D)

ZONE 4 - Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes

ZONE 5 - Ascension (south of the Mississippi River), Assumption, Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River) & St. John the Baptist Parishes

ZONE 6 - Iberia (northeast of the Atchafalaya River), Lafourche, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion), Tangipahoa (remainder of Parish not covered by Zone 3) & Terrebonne Parishes

ZONE 7 - Avovelles, Grant, LaSalle & Rapides Parishes

ZONE 8 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

ZONE 9 - Natchitoches & Sabine Parishes

ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
CEMENT MASONS (BUILDING CONSTRUCTION)						
ZONE 1	\$ 7.11					
ZONE 2	8.20					
ZONE 3	7.75	.30	.50			.05
ZONE 4	9.065	.35	.30			.04
ZONE 5	7.35					
ZONE 6	6.00					
ZONE 7	7.65	.30				
ZONE 8	7.17		.25			
ZONE 9	6.50		.30			

AREA COVERED BY CEMENT MASONS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James, Tangipahoa, West Baton Rouge & West Feliciana Parishes

ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 3 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes

ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (the lower half) & Terrebonne Parishes

ZONE 5 - St. Tammany (northern half including Covington north of Highway 190) & Washington Parishes

ZONE 6 - Avovelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Parishes

ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

ZONE 9 - Natchitoches & Sabine Parishes

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	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
CEMENT MASONS (HIGHWAY CONSTRUCTION)						
ZONE 1	\$ 7.25					
On concrete lined ditches	8.195					
ZONE 2	6.45					
ZONE 3	7.10	.30				
ZONE 4	7.40					
ZONE 5	6.30					
On concrete lined ditches	7.75	.30	.50			.05
ZONE 6	6.30					
ZONE 7	5.72					

AREA COVERED BY CEMENT MASONS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes

ZONE 2 - Ascension, East Baton Rouge, U.S. Highway 61 in East Feliciana & West Feliciana Parishes

ZONE 3 - Bossier & Caddo Parishes

ZONE 4 - Calcasieu & Cameron Parishes

ZONE 5 - Acadia, Iberia, Lafayette, St. Landry, St. Martin & Vermilion Parishes

ZONE 6 - Allen, Assumption, Avovelles, Beauregard, Bienville, Claiborne, DeSoto, East Feliciana (excluding U.S. Highway 61), Evangeline, Iberville, Jefferson Davis, Lafourche, Lincoln, Livingston, Madison, Natchitoches, Ouachita, Pointe Coupee, Rapides, Red River, Richland, St. Tammany, Tangipahoa, Terrebonne, Vernon, Webster & West Baton Rouge Parishes

ZONE 7 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Morehouse, Sabine, Tensas, Union, Washington, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
<u>ELECTRICIANS</u>						
Electricians	\$ 9.90	.35	1%+.40			3/10%
ZONE 1	8.75		1%			
ZONE 2	9.75		1%			1/10%
Electrical work \$30,000 & under	11.25	.35	1%+.20			
Electrical work over \$30,000	10.05	.35	1%			.03
ZONE 3	10.30	.30	1%+.30			1/2%
ZONE 4	9.05	.45	1%			1%
ZONE 5	9.05	.60	1%			1/2%
ZONE 6	9.40					
ZONE 7	9.40			.30		
ZONE 8	9.25					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cable splicers					
ZONE 1	\$10.15	.35	1%+.40		3/10%
ZONE 2			1%		
Electrical work \$30,000 & under	9.25		1%		1/10%
Electrical work over \$30,000	10.25		1%+.20		
ZONE 3	11.50	.35	1%		.03
ZONE 4	10.30	.35	1%+.30		1/2%
ZONE 5	10.30	.45	1%		1%
ZONE 6	9.55	.60	1%	.30	1/2%
ZONE 7	9.90				
ZONE 8	9.50				

AREA COVERED BY ELECTRICIANS ZONES

ZONE 1 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Parishes

ZONE 2 - St. Tammany, Tangipahoa & Washington Parishes

ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes

ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (northern segment), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes

ZONE 5 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (southern segment), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes

ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Parishes

ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Parishes

ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS					
ZONE 1					
Elevator constructors	\$ 9.285	.495	.32	4%+.4b	.02
Elevator constructors' helpers	7.07JR	.495	.32	4%+.4b	.02
Elevator constructors' helpers (prob.)	5.07JR				
ZONE 2					
Elevator constructors	8.795	.545	.35	4%+.4b	.02
Elevator constructors' helpers	7.07JR	.545	.35	4%+.4b	.02
Elevator constructors' helpers (prob.)	5.07JR				

FOOTNOTES

a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate

b - Paid Holidays - A thru F

PAID HOLIDAYS

A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

AREA COVERED BY ELEVATOR CONSTRUCTORS ZONES

ZONE 1 - Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge & West Feliciana Parishes

ZONE 2 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS					
ZONE 1	\$ 7.55				.01
ZONE 2	7.10				.01
ZONE 3	8.875	.17	.30		
ZONE 4	7.43				
ZONE 5	7.00		.20		
ZONE 6	6.00				

AREA COVERED BY GLAZIERS ZONES

ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 2 - Ascension (north & west of Highway 22), Assumption (north of Grand Bayou), East Baton Rouge, East Feliciana, Iberville, Livingston (north & west of Highway 22), Pointe Coupee, St. Helena, Tangipahoa (west of Highway 51), West Baton Rouge & West Feliciana Parishes

ZONE 3 - Ascension (east & south of Highway 22), Assumption (south of Grand Bayou), Jefferson, Lafourche, Livingston (east & south of Highway 22), Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany, Tangipahoa (east of Highway 51), Terrebonne & Washington Parishes

ZONE 4 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary (except Morgan City Area) & Vermilion Parishes

ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to the city of Natchitoches), Red River, Sabine & Webster Parishes

ZONE 6 - Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn (north half) Parishes

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AREA COVERED BY IRONWORKERS (BUILDING CONSTRUCTION) ZONES (CONT'D)
 ZONE 6 - All of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vermillion Parishes (west of a line drawn from the city of Kolin, southwest along the western city limits of Abbeville, Louisiana to the Gulf of Mexico and south-west of a line drawn from Kolin through Boyce to the Natchitoches-Rapides Parish boundary); Parts of Sabine Parish (south of a line drawn from the Natchitoches Parish boundary west through the city of Peason to the Texas-Louisiana border)

IRONWORKERS (HIGHWAY CONSTRUCTION)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 1	\$ 8.72				
ZONE 2	8.48				
ZONE 3	8.70				
ZONE 4	8.30				
ZONE 5	8.16				
ZONE 6	6.99				
ZONE 7	6.45				
ZONE 8	5.84				

AREA COVERED BY IRONWORKERS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson & Orleans Parishes
 ZONE 2 - Plaquemines, St. Bernard & St. Charles Parishes
 ZONE 3 - East Baton Rouge Parish
 ZONE 4 - Calcasieu Parish
 ZONE 5 - Bossier & Caddo Parishes
 ZONE 6 - Lafayette, Ouachita & Rapides Parishes
 ZONE 7 - Acadia, Ascension, Bienville, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (that portion north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes
 ZONE 8 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (that portion south of Iberia Parish), Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

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IRONWORKERS (BUILDING CONSTRUCTION)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 1	\$ 9.76	.30	.35		.04
ZONE 2	9.64	.45	.35		.04
ZONE 3	9.45	.35	.35		.04
ZONE 4	9.25	.35	.50		.04
ZONE 5	7.65	.30	.35		.04
ZONE 6	9.05	.35	.50		.025

AREA COVERED BY IRONWORKERS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - All of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist & St. Tammany Parishes; Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Parishes (west of a straight line drawn from the Louisiana-Mississippi border, east of the city limits of Warrenton, Louisiana, southwest through Hammond, Louisiana to the Gulf of Mexico)
 ZONE 2 - All of Ascension, Assumption, Avoyelles, East Baton Rouge, East Feliciana, Iberia, Iberville, Pointe Coupee, St. Helena, St. Martin, St. Mary, West Baton Rouge & West Feliciana Parishes; Parts of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Parishes (east of a line drawn from the meeting point of the boundaries of the Parishes of Rapides, Avoyelles & Evangeline, southwest along the western city limits of Abbeville, Louisiana, to the Gulf of Mexico); Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Parishes (west of a straight line drawn from the Louisiana-Mississippi border, west of the city limits of Warrenton, Louisiana, southwest through Hammond, Louisiana to the Gulf of Mexico); Parts of Catahoula, Concordia, LaSalle & Rapides Parishes (south of a line drawn from Natchez, Mississippi southwesterly to the city of Kolin, from there northwesterly through the city of Boyce to the Natchitoches Parish boundary)
 ZONE 3 - All of Bossier, Caddo, DeSoto, Red River & Webster Parishes; Parts of Bienville, Claiborne, Natchitoches & Winn Parishes (west of a line drawn directly south from the Arkansas-Louisiana border through the cities of Arcadia & Clouterville); Part of Sabine Parish (north of a line drawn from the Natchitoches Parish boundary west through the city of Peason to the Texas-Louisiana border)
 ZONE 4 - All of Caldwell, East Carroll, Franklin, Grant, Jackson, Lincoln, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes; Parts of Bienville, Claiborne, Natchitoches & Winn Parishes (east of a line drawn directly south from the Arkansas-Louisiana border through the cities of Arcadia-Clouterville); Parts of Madison Parish (except the cities of Mound, Delta & adjacent areas); Parts of Catahoula, Concordia, LaSalle & Rapides Parishes (north of a line drawn from Natchez, Mississippi southwesterly to the city of Kolin, from there northwesterly through the city of Boyce to the Natchitoches Parish boundary)
 ZONE 5 - That part of Madison Parish (including the cities of Mound, Delta & adjacent areas)

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LABORERS (BUILDING CONSTRUCTION)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
<u>ZONE 1</u>					
GROUP 1	\$ 3.90	.10			
GROUP 2	4.05	.10			
GROUP 3	4.15	.10			
<u>ZONE 2</u>					
GROUP 1	5.07	.15	.10		.05
GROUP 2	5.27	.15	.10		.05
<u>ZONE 3</u>					
GROUP 1	6.53	.15	.10		.05
GROUP 2	6.63	.15	.10		.05
GROUP 3	6.68	.15	.10		.05
GROUP 4	7.49	.15	.10		.05
GROUP 5	7.05	.15	.10		.05
GROUP 6	6.79	.15	.10		.05
GROUP 7	6.58	.15	.10		.05
<u>ZONE 4</u>					
GROUP 1	6.13	.15	.20		.05
GROUP 2	6.23	.15	.20		.05
GROUP 3	6.28	.15	.20		.05
<u>ZONE 5</u>					
GROUP 1	5.73	.15	.20		.05
GROUP 2	5.83	.15	.20		.05
GROUP 3	5.88	.15	.20		.05
<u>ZONE 6</u>					
GROUP 1	6.74	.15	.20		.05
GROUP 2	6.84	.15	.20		.05
GROUP 3	6.99	.15	.20		.05
GROUP 4	6.89	.15	.20		.05
GROUP 5	6.99	.15	.20		.05

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
<u>ZONE 7</u>					
GROUP 1	\$ 6.425	.15	.20		.05
GROUP 2	6.575	.15	.20		.05
GROUP 3	6.625	.15	.20		.05
<u>ZONE 8</u>					
GROUP 1	4.80	.15	.10		.05
GROUP 2	5.00	.15	.10		.05
GROUP 3	5.05	.15	.10		.05
GROUP 4	5.10	.15	.10		.05
GROUP 5	5.45	.15	.10		.05
<u>ZONE 9</u>					
GROUP 1	5.40	.15	.10		.05
GROUP 2	5.50	.15	.10		.05
GROUP 3	5.55	.15	.10		.05
GROUP 4	5.60	.15	.10		.05
<u>ZONE 10</u>					
GROUP 1	5.17	.15	.10		.05
GROUP 2	5.27	.15	.10		.05
GROUP 3	5.42	.15	.10		.05

CLASSIFICATION DEFINITIONS

LABORERS - ZONE 1

GROUP 1 - Building and labor construction
 GROUP 2 - Stone mason helpers; mechanical tool operators; sewerman (bottom men, caulkers, tenders, joint wipers, hot pot, grade carriers, layers and ditchers 4 feet or over); tender of all crafts; sandblaster (nozzlemen); sandblaster (pot tender); laying non-metallic pipe over 4 feet deep, including sewer pipe, drain pipe, and underground tile; septic tank diggers and installers, over 4 feet deep; gas & oil pipeline laborers and wrappers
 GROUP 3 - Gunite tool operators

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LABORERS - ZONE 2

GROUP 1 - Building laborer; rotary drill laborers; foundation drill crewmen
 GROUP 2 - Mason mixer; plaster mixer; mechanical tool operator; sandblaster; laying concrete pipe, clay pipe, plastic pipe, asbestos cement pipe, casing pipe and corrugated metal pipe, as sewer pipe, drain pipe, and underground tile (caulkers, joint wrappers, hot pot and pipe layers); gas and oil pipe-line laborers, wrappers and dopers

LABORERS - ZONE 3

GROUP 1 - Building and general laborer; tenders (carpenter, plaster, cement finisher, mason); tank and vessel cleaners
 GROUP 2 - Air tool operator (except jackhammer); Interior of closed tanks and vessels power equipment
 GROUP 3 - Mortar mixers and jackhammer operators
 GROUP 4 - Blasters
 GROUP 5 - Blaster helpers; concrete cutters behind paving machine and puddlers; form setters and lines asphalt worker
 GROUP 6 - Wiping joints, laying pipe and tile from pumpcrete
 GROUP 7 - Interior of closed tanks and vessels manually

LABORERS - ZONES 4 & 5

GROUP 1 - Building and general laborers, carpenter tenders
 GROUP 2 - Power tool operators (hammer men, tamper, vibrators, power buggies, concrete chippers or cutters, chain saw operators, etc.); pipelayers (non-metallic)
 GROUP 3 - Mason tenders, plaster tenders, cement mix (wet or dry) tenders, hod carrier tender; mortar mixers & cement mixers (wet or dry)

LABORERS - ZONE 6

GROUP 1 - Building laborers
 GROUP 2 - Laborers handling steel pans, stone masons helpers, mechanical tool operators, seamen (bottom men, caulkers, tenders, joint wipers, hot pot, grade carriers, layers and ditchers 4 feet and over), sand blaster (nozzlemen and pot tender), laying non-metallic pipe over 4 feet deep, septic diggers and installers over 4 feet deep, gas and oil pipeline laborers and wrappers
 GROUP 3 - Gunite tool operators
 GROUP 4 - Bricklayers tenders and mason tenders
 GROUP 5 - Hod carriers using prime mover to serve a bricklayer; mortar mixers

LABORERS - ZONE 7

GROUP 1 - Common laborers
 GROUP 2 - Jackhammermen, seamen, mason tenders, plasterer tenders, stone masons helpers, vibratormen
 GROUP 3 - Mortar mixers

LABORERS - ZONE 8

GROUP 1 - Common laborers; carpenter helpers; mason tenders (other than cement); plasterers' tenders; stone mason helpers; concrete workers; scaffold builders
 GROUP 2 - Air tool operators (jackhammer, vibrator, and tamper), sewer pipe joiners and setters; concrete cutters; hod carriers; creosote materials handler; acid worker; mason tenders (cement); Mortar mixer (wet or dry); motorized buggy operator; water proofers (mastic); form setters (steel paving forms)
 GROUP 3 - Chain saw operator
 GROUP 4 - Asphalt raker, tamper, smoother and shovelers; sewer pipe layers; blaster helpers
 GROUP 5 - Powdermen

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LABORERS - ZONE 9

GROUP 1 - Building laborers
 GROUP 2 - Mason tenders, plasterer tenders; Asphalt rakers, asphalt smoothers
 GROUP 3 - Mortar mixers
 GROUP 4 - Air Jack operators, vibrator operators; Sewer pipe layers, sewer pipe wipers

LABORERS - ZONE 10

GROUP 1 - Laborers, tenders (brickmasons, stonemasons, cement masons, carpenter, plasterers); Stripping & dismantling; concrete form work; loading, unloading, carrying & handling steel & steel mesh; assisting to the setting of cut stone, granite or artificial stone; building scaffolds; shoring
 GROUP 2 - Mechanical tool operator (air, electric, motor, engine, etc.); Sewer pipe layers; mortar mixers (hand or machine); gunite operator
 GROUP 3 - Pipe dopers & burners

AREA COVERED BY LABORERS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - St. Tammany (as far south as Bayou LaCombe and east to the Mississippi State Line at Pearlton), Tangipahoa (except that portion south of a line running due east from the western boundary of Tangipahoa Parish which follows the northern city limits of Independence, Louisiana to 20 miles east of U.S. Highway 51, then running south paralleling Highway 51 at a 20 mile distance to Lake Pontchartrain) & Washington Parishes
 ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
 ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
 ZONE 4 - All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge & West Feliciana Parishes; Parts of Assumption, St. James, St. John the Baptist Parishes (north of a line drawn from the southern limits of the town of St. James in St. James Parish to the northern limits of the town of Napoleonville, in Assumption Parish & then directly west to the Parish line, all of St. James Parish except that part which is east of a line drawn from Lusher, Louisiana to U.S. Highway 61 (Airline Highway) then west on U.S. 61 to Blind River and on a direct line to Manchac, Louisiana)
 ZONE 5 - Livingston, St. Helena & Tangipahoa (south & west of a line running from the western parish line to a point directly east which touches the northern limits of the town of Independence, then directly south to Lake Pontchartrain) Parishes
 ZONE 6 - Jefferson (except Grand Isle), Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist (on the west bank of the Mississippi River and the portion of St. John the Baptist on the east bank of the Mississippi River as far as the Sycamore Inn at Lusher and north to Blind River and Manchac) & St. Tammany (north as far as Bayou LaCombe, east to the Mississippi State Line at Pearlton) Parishes
 ZONE 7 - Assumption (north of Napoleonville), Jefferson (Grand Isle), Lafourche, St. James (on the west bank and including the town of Vacherie) & Terrebonne Parishes
 ZONE 8 - Avovelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides & Winn Parishes
 ZONE 9 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Parishes
 ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

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GROUP 1 - Laborers, including but not limited to signalman, foundation driller, and demolishing and dismantling man
 GROUP 2 - Baker, concrete spreader, carpenters helpers, distributor man, finishers helpers, formsetters helpers, jackhammer operator, jacking laborer, painters helpers, pit man, pipelayer or tile layer, power monkey helper, tamper, tree pruner, stone masons helper, stoker, asphalt raker, concrete shovelers, power tool operator and motorized buggy operator
 GROUP 3 - Formsetter, head or master--high type pavement
 GROUP 4 - Powderman

AREA COVERED BY LABORERS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
 ZONE 2 - East Baton Rouge Parish
 ZONE 3 - Bossier & Caddo Parishes
 ZONE 4 - Calcasieu Parish
 ZONE 5 - Lafayette, Ouachita & Rapides Parishes
 ZONE 6 - Acadia, Ascension, Bienville, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (that portion north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes
 ZONE 7 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, Lasalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (that portion south of Iberia Parish), Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

LATHERS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 1	\$ 7.80				.01
ZONE 2	8.58	.20	.20		.05
ZONE 3	9.385	.30			.01
ZONE 4	9.25				.01
ZONE 5	7.55				.01

AREA COVERED BY LATHERS ZONES

ZONE 1 - All of Acadia, Ascension, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, Vermilion, West Baton Rouge & West Feliciana Parishes; Parts of Assumption & St. James Parishes (up to a 40 mile radius of Baton Rouge); Parts of Evangeline & St. Mary Parishes (up to a 40 mile radius of Lafayette)
 ZONE 2 - All of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne & Washington Parishes; Parts of Assumption & St. James Parishes (beyond a 40 mile radius of Baton Rouge); Part of St. Mary Parish (beyond a 40 mile radius of Lafayette)
 ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Evangeline (that portion beyond a 40 mile radius of Lafayette), Jefferson Davis & Vernon Parishes
 ZONE 4 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Lincoln, Natchitoches, Red River & Webster Parishes
 ZONE 5 - Rapides Parish

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP 1					
ZONE 1	\$ 5.10	.15	.10		.05
ZONE 2	4.80	.15	.10		.05
ZONE 3	4.15	.15	.10		.05
ZONE 4	5.25	.15	.20		.05
ZONE 5	4.10	.15	.10		.05
ZONE 6	3.85	.15	.10		.05
ZONE 7	3.75	.15	.10		.05
GROUP 2					
ZONE 1	5.20	.15	.10		.05
ZONE 2	4.90	.15	.10		.05
ZONE 3	4.25	.15	.10		.05
ZONE 4	5.35	.15	.20		.05
ZONE 5	4.20	.15	.10		.05
ZONE 6	3.95	.15	.10		.05
ZONE 7	3.85	.15	.10		.05
GROUP 3					
ZONE 1	5.65	.15	.10		.05
ZONE 2	5.35	.15	.10		.05
ZONE 3	4.70	.15	.10		.05
ZONE 4	5.80	.15	.20		.05
ZONE 5	4.65	.15	.10		.05
ZONE 6	4.40	.15	.10		.05
ZONE 7	4.30	.15	.10		.05
GROUP 4					
ZONE 1	5.90	.15	.10		.05
ZONE 2	5.60	.15	.10		.05
ZONE 3	4.95	.15	.10		.05
ZONE 4	6.05	.15	.20		.05
ZONE 5	4.85	.15	.10		.05
ZONE 6	4.60	.15	.10		.05
ZONE 7	4.50	.15	.10		.05

LABORERS (HIGHWAY CONSTRUCTION)

GROUP 1

ZONE 1

ZONE 2

ZONE 3

ZONE 4

ZONE 5

ZONE 6

ZONE 7

GROUP 2

ZONE 1

ZONE 2

ZONE 3

ZONE 4

ZONE 5

ZONE 6

ZONE 7

GROUP 3

ZONE 1

ZONE 2

ZONE 3

ZONE 4

ZONE 5

ZONE 6

ZONE 7

GROUP 4

ZONE 1

ZONE 2

ZONE 3

ZONE 4

ZONE 5

ZONE 6

ZONE 7

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	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LINE CONSTRUCTION					
ZONE 1 Linemen Operator hole digging equipment; operator, tractor with winch & derrick; operator line truck with winch & derrick working hot lines Operator using hole truck & trailer, or pole hauling & setting truck (not in ener- gized lines) Operator using truck without winch; Groundmen (starting rate to 1½ years service) Groundmen (1½ years service or over)	\$10.30 75%JR 65%JR 45%JR 50%JR	.30 .30 .30 .30 .30 .30	1%+.30 1%+.30 1%+.30 1%+.30 1%+.30 1%+.30	 3/10% 3/10%	.03 .03 .03 .03 .03
ZONE 2 Linemen, line equipment & line truck operators Cable splicers	9.90 10.15	.35 .35	1%+.40 1%+.40	 	3/10% 3/10%
ZONE 3 Linemen, equipment operators Cable splicers Groundmen	11.25 11.50 9.25	.35 .35 .35	1%+.20 1%+.20 1%+.20	 	1/10% 1/10% 1/10%
ZONE 4 Linemen & equipment operators Cable splicers Groundmen	10.05 10.30 50%JR	.35 .35 .35	1% 1% 1%	 	
ZONE 5 Linemen & equipment operators Cable splicers Groundmen	9.25 9.50 60%JR	 	1% 1% 1%	.30 .30 .30	1/2% 1/2% 1/2%
ZONE 6 Linemen & equipment operators Cable splicers Groundmen, 1st 6 months Groundmen, 2nd 6 months Groundmen, after 1 year	8.45 8.95 2.85 3.44 3.73	.30 .30 .30 .30 .30	1% 1% 1% 1% 1%	 	1/2% 1/2% 1/2% 1/2% 1/2%

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	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 7 Linemen; Operators Cable splicers Groundmen	\$ 9.40 9.90 7.40	.60 .60 .60	1% 1% 1%	 	1% 1% 1%

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (southern segment), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes
ZONE 2 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (northern segment), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes
ZONE 5 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Parishes

MARBLE SETTERS

ZONE 1
ZONE 2
ZONE 3
ZONE 4
ZONE 5
ZONE 6

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 1	\$ 9.84	.25	.20		.035
ZONE 2	9.45	.48	.30		.02
ZONE 3	9.20				
ZONE 4	7.42		.25		
ZONE 5	7.55	.30			
ZONE 6	9.10				

AREA COVERED BY MARBLE SETTERS ZONES

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish line on the west along U. S. Highway 190 through the lower limits of Covington, along State Highway 58 through the lower limits of Abita Springs and Tallisheek and on a line due east from Tallisheek to the Mississippi State Line) & Terrebonne Parishes
ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Vermilion & Vernon Parishes
ZONE 3 - Iberia, Lafayette, St. Martin & St. Mary Parishes
ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

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	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation and/or Appr. Tr.
ZONE 1	\$ 6.55	.25		.05
ZONE 2	5.27	.15	.10	
ZONE 3	3.00			

HARLE SETTERS' HELPERS

AREA COVERED BY HARLE SETTERS' HELPERS ZONES

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish line on the west along U.S. Highway 190 through the lower limits of Covington, along State Highway 38, through the lower limits of Abita Springs and Talisheek and on a line due east from Talisheek to the Mississippi State Line), Tangipahoa, Terrebonne, West Baton Rouge & West Feliciana Parishes

ZONE 2 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Webster & Winn Parishes

	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation and/or Appr. Tr.
ZONE 1	\$ 9.895	.35	.30	.05
ZONE 2	9.71			.04
ZONE 3	10.765			.06
ZONE 4	8.365	.30		
ZONE 5	8.60			.04
ZONE 6	8.90	.35	.25	
ZONE 7	8.60	.35	.20	.05
ZONE 8	8.55	.35	.30	
ZONE 9	9.75			

MILLRIGHTS

AREA COVERED BY MILLRIGHTS ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 2 - Ascension (south of the Mississippi River), Assumption, Iberia (north-east of the Atchafalaya River), Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River), St. John the Baptist, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion), Tangipahoa (remainder of Parish not covered by Zone 9) & Terrebonne Parishes

ZONE 3 - Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes

ZONE 4 - Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes

AREA COVERED BY MILLRIGHTS ZONES (CONT'D)

ZONE 5 - Avoyelles, Grant, LaSalle & Rapides Parishes

ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

ZONE 7 - Natchitoches & Sabine Parishes

ZONE 8 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

ZONE 9 - Parts of St. Tammany & Tangipahoa (north of I-12 from the Mississippi State Line to the western boundary of Tangipahoa Parish) & Washington Parishes

PAINTERS

ZONE 1

GROUP 1 - Brush, wood or wall, rollers

GROUP 2 - Brush on steel, buffer on wood or wall

GROUP 3 - Paperhanging, taping & floating

GROUP 4 - Spray, wood & wall

GROUP 5 - Steeplejack, sand-blasting, spider operator, rubberizing & pyroflexing, steam jennies, spray on steel

ZONE 2

GROUP 1 - Brush; taping; floating & texture

GROUP 2 - Industrial & steel

GROUP 3 - All spray painting; roller operator & using of mitts; All power tools for cleaning & preparing surfaces for painting; All work on stacks, steeples, flag poles & all towers & tanks over 50 feet; All work off swing stage, bosun chair and spiders, all work with creosote material or any similar material as service cement paint

	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation and/or Appr. Tr.
ZONE 1	\$ 8.96			
ZONE 2	9.085			
ZONE 3	9.16			
ZONE 4	9.305			
ZONE 5	9.445			
ZONE 6	6.45		.10	
ZONE 7	7.12		.10	
ZONE 8	6.70			.10
ZONE 9				

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
ZONE 3 GROUP 1 - Painters, paperhangers & sheetrock tapers & floaters GROUP 2 - Structural steel painters of new buildings under construction; the following overall of 30 feet: tanks, air conditioning, towers, smoke stacks, sprinkler systems, wharves & structural steel in old buildings; spray painters swing stage painters GROUP 3 - Industrial	.275	.30		.05
8.13 9.005	.275	.30		.05
ZONE 4 GROUP 1 - Brush GROUP 2 - Industrial & steel GROUP 3 - Hand tools or automatic tools to finish gypsum board; spray; sandblasting - 25¢ per hour above rate for brush GROUP 4 - All power tools; All stacks, steeples, flag poles, swing stages & window jacks; All towers, tanks & structural steel over 50 ft. high - 25¢ per hour above journeyman rate	7.10			
7.47				
ZONE 5 GROUP 1 - Commercial brush; Sheetrock finishers GROUP 2 - Industrial brush hands GROUP 3 - All spray painting, waterblasting, sandblasting GROUP 4 - All paperhangers GROUP 5 - All power operated tools, buffers, etc.; all roller operators - 25¢ per hour above scale	6.50			
7.10				
8.05				
7.50				
ZONE 6 GROUP 1 - Painters, paperhangers, tapers, floaters; Commercial steel, such as churches or any commercial building with closed roof deck or walls GROUP 2 - Other commercial work brush spray, stage, window jacks, flagpoles & steeple work GROUP 3 - All industrial work including sandblasting or power tools of any kind	7.10			
7.60				
8.10				

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
ZONE 7 GROUP 1 - Painters, tape & float & paperhangers; stage, window jacks & structural steel GROUP 2 - Stage, window jacks & structural steel over 30 feet GROUP 3 - Stage, window jacks & structural steel over 75 feet GROUP 4 - Sandblasting, spray	8.25			
8.50				
8.75				
8.85				
ZONE 8 GROUP 1 - Painters, paperhangers, tapers, floaters GROUP 2 - Stage, window jacks, bosun chairs, structural steel, rollers, equipment painting; sandblasting, spray, stack, sign, tank painting, steeple jack work GROUP 3 - Structural steel, brush	6.80			
7.80				
7.30				

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 2 - Ascension (north & west of Highway 22), Assumption (north of Grand Bayou), East Baton Rouge, East Feliciana, Iberville, Livingston (north & west of Highway 22), Pointe Coupee, St. Helena, Tangipahoa (west of Highway 51), West Baton Rouge & West Feliciana Parishes

ZONE 3 - Ascension (east & south of Highway 22), Assumption (south of Grand Bayou), Lafourche, Livingston (east & south of Highway 22), Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany (southern portion) & Terrebonne Parishes

ZONE 4 - Acadia, Iberia, Lafayette, St. Landry (south half), St. Martin, St. Mary (except Morgan City Area) & Vermilion Parishes

ZONE 5 - St. Tammany (northern portion), Tangipahoa (east of Highway 51) & Washington Parishes

ZONE 6 - Allen (northeast corner), Avoyelles, Catahoula, Evangeline, Grant, Lasalle, Natchitoches (south half), Rapides, St. Landry (north half) & Winn (south half) Parishes

ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to city of Natchitoches), Red River, Sabine & Webster Parishes

ZONE 8 - Calcasieu, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn (north half) Parishes

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 7.70				.01
7.15				.01
8.77				.03
8.03	.30	.20		.01
7.05				.01
6.00			.50	
8.75		.25		
8.45		.30		
8.25				

PLASTERERS

ZONE 1
ZONE 2
ZONE 3
ZONE 4
ZONE 5
ZONE 6
ZONE 7
ZONE 8
ZONE 9

AREA COVERED BY PLASTERERS ZONES

ZONE 1 - St. Tammany (northern half including Covington north of Highway 190) & Washington Parishes
 ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
 ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
 ZONE 4 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. James, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes
 ZONE 5 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (parish line on the west along U.S. Highway 190 through the lower limits of Covington and Abita Springs along State Highway 435 to Talisheek and on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parishes
 ZONE 6 - Avovelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Parishes
 ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
 ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
 ZONE 9 - Natchitoches & Sabine Parishes

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 8.40	.35	.30		.04
8.80	.20	.30		.04
9.47	.35	.30		.05
8.395	.35	.28		
8.35	.35	.25		.04
8.55	.35	.20		.05
8.35	.35			
8.15	.30			
8.445				

PILEDRIVEREN

ZONE 1
ZONE 2
ZONE 3
ZONE 4
ZONE 5
ZONE 6
ZONE 7
ZONE 8
ZONE 9

AREA COVERED BY PILEDRIVEREN ZONES

ZONE 1 - Parts of St. Tammany & Tangipahoa (north of I-12 from the Mississippi State Line to the western boundary of Tangipahoa Parish) & Washington Parishes
 ZONE 2 - Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes
 ZONE 3 - Ascension (south of the Mississippi River), Assumption, Iberia (north-east of the Atchafalaya River), Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River), St. John the Baptist, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion), Tangipahoa (remainder of Parish not covered by Zone 1) & Terrebonne Parishes
 ZONE 4 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
 ZONE 5 - Avovelles, Grant, LaSalle & Rapides Parishes
 ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
 ZONE 7 - Natchitoches & Sabine Parishes
 ZONE 8 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
 ZONE 9 - Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes

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PLUMBERS & PIPEFITTERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
ZONE 1	\$10.30	.45	.75		.06
ZONE 2	9.60	.54	.725		.06
ZONE 3	8.20	.40	.35		.10
ZONE 4	8.29	.35	.55		.02
ZONE 5	8.54	.40	.30	.55	.09
ZONE 6	9.88	.42	.47		.08

AREA COVERED BY PLUMBERS & PIPEFITTERS ZONES

ZONE 1 - Jefferson, Lafourche (except small portion of western part of Parish), Livingston (northeast corner), Orleans, Plaquemines, St. Bernard, St. Charles, St. James (northern 2/3 of Parish), St. John the Baptist, St. Tammany, Tangipahoa (southern 1/2 of Parish), Terrebonne (eastern 1/3 of Parish) & Washington Parishes

ZONE 2 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia (eastern 1/2 of Parish), Iberville, Lafourche (small portion of western part of Parish), Livingston (except northeast corner), Pointe Coupee (except northwest corner), St. Helena, St. James (western 1/3 of Parish), St. Landry (eastern 2/3 of Parish), St. Martin (southern part of eastern 1/2 of Parish), St. Mary (except western tip), Tangipahoa (northern 1/2 of Parish), Terrebonne (western 2/3 of Parish), West Baton Rouge & West Feliciana Parishes

ZONE 3 - Allen (northeast corner), Avoyelles, Evangeline (except southwest corner), Grant, Natchitoches (south of Highway 84 & 86 from Winnfield to Natchitoches & southeast from Natchitoches to Anacoco through Bellwood), Rapides, Vernon (northeast of Highway 10) & Winn Parishes (south of a line drawn from Natchitoches east of Highway 10 to Standard); Parts of Catahoula, Concordia & LaSalle Parishes (south of a line drawn from Standard southeast through Harrisonburg to the junctions of U.S. 84 & State Route 15 and west of a line drawn from that junction to the meeting place of the Concordia-West Feliciana Parish line)

ZONE 4 - All of Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes; Parts of Catahoula, Concordia & LaSalle Parishes (north of a line drawn from Standard southeast through Harrisonburg to the junctions of U.S. 84 & State Route 15 & east of a line drawn south from that junction to the meeting place of the Concordia-West Feliciana Parish line); Part of Winn Parish (east of a line drawn from Winnfield to the junction of the Parish boundaries of Winn, Bienville & Jackson & north of a line drawn east from Winnfield to Standard)

ZONE 5 - All of Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Parishes; Parts of Natchitoches & Vernon Parishes (northwest from a line drawn from Natchitoches to Anacoco through Bellwood & north of Highway 111 between Anacoco & Haddens); Part of Winn Parish (west of a line drawn from Winnfield to the junction of the Parish boundaries of Winn, Bienville & Jackson)

ZONE 6 - Acadia, Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Evangeline (southwest corner), Iberia (western 1/2 of Parish), Jefferson Davis, Lafayette, Pointe Coupee (northeast corner), St. Landry (western 1/3 of Parish), St. Martin (west of Highway 31), St. Mary (western tip), Vermilion & Vernon (south of Highway 111 & southwest of Highway 10) Parishes

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUILDING CONSTRUCTION)				
\$ 6.49 6.79 7.09 7.15 7.44 8.72	.25	.48		.05
	.25	.48		.05
	.25	.48		.05
	.25	.48		.05
	.25	.48		.05
	.25	.48		.05
6.57 6.87 7.18 7.23 7.53 8.82	.25	.48		.05
	.25	.48		.05
	.25	.48		.05
	.25	.48		.05
	.25	.48		.05
	.25	.48		.05
6.82 6.54 6.36 7.07 9.145 7.43 8.02	.25	.48		.05
	.25	.48		.05
	.25	.48		.05
	.25	.48		.05
	.25	.48		.05
	.25	.48		.05

		Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 6					
	Basic Hourly Rates				
GROUP 1	\$ 6.91	.25	.48		.05
GROUP 2	6.41	.25	.48		.05
GROUP 3	6.23	.25	.48		.05
GROUP 4	6.66	.25	.48		.05
GROUP 5	7.28	.25	.48		.05
GROUP 6	8.25	.25	.48		.05
GROUP 7	9.17	.25	.48		.05
GROUP 8	9.42	.25	.48		.05
GROUP 9	9.67	.25	.48		.05
GROUP 10	9.92	.25	.48		.05
ZONE 7					
GROUP 1	9.61	.25	.48		.05
GROUP 2	9.86	.25	.48		.05
GROUP 3	7.02	.25	.48		.05
GROUP 4	7.40	.25	.48		.05
GROUP 5	7.99	.25	.48		.05
GROUP 6	9.36	.25	.48		.05

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS - ZONES 1, 2, 3 & 4	
GROUP 1 - Oiler	
GROUP 2 - Mechanic helper	
GROUP 3 - Oiler-Driver	
GROUP 4 - Scaleman	
GROUP 5 - Air compressor; Asphalt Plant Operator; Bulldozers, D-4 and equivalent	
GROUP 6 - Under; Bulfloats; Concrete Spreader; Finishing Machines; Concrete Mixer (16-s	
or less); Concrete Saw; Distributors (Bitum Surface); Dowell Bar Machine; Farm-	
Type Tractor (with all attachments except backhoe); Fireman; Fork Lifts (other	
than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories;	
Kolum Buff Machine; Pull Cuts; Pump (3" and over); Pump, concrete (under 6");	
Rollers, except on asphalt or brick; Straddle Buggies; Sweepers on streets &	
roads (Motorized); Winch Truck, A-Frame (other than handling steel or pipe)	
GROUP 6 - Asphalt Spreader; Backhoe, Bulldozer, over D-4 and equivalent; Cableways;	
Concrete Mixer, over 16-s; Cranes; Derricks; Ditching or Trenching Machines; Drag-	
lines; Fork Lifts (setting steel, machinery or pipe); Front-End Loaders (except	
Farm-type tractors); Grease Serviceman; Hoist, 1 drum, 4 stories or more or 40	
feet (on structures other than buildings); Hoist, 2 drums and over; Hydrolifts;	
Heavy Duty Mechanic; Motor Patrols; Piledrivers; Pump, concrete (6" & over);	
Road Pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom Cuts;	
Shovels; Tractorvators; Welder, Journeyman; Well Point System; Winch Cuts	
(Hoisting); Winch Truck, A-Frame (handling steel or pipe)	

POWER EQUIPMENT OPERATORS - ZONE 5

GROUP 1 - Scale Operator; Oiler-Driver on Motor Crane; Batch Plant Operator

GROUP 2 - Pumps under 3 inch suction; Mechanic Helper

GROUP 3 - Oiler

GROUP 4 - Fireman

GROUP 5 - Combination Oiler-Compressor; Combination Oiler-Fireman; Asphalt

Spreader; Backhoes (all types); Bulldozers; Cableways; Cherry Pickers (all

types); Concrete Mixers (over 1 sack); Cranes; Deck Winch (2 drums or over);

Derricks; Ditching or trenching machines (riding type); Draglines; Dredges;

Fork Lifts (other than farm type) outside warehouses; Foundation Drill; Front

End Loaders (except farm type); Grease Serviceman; Hoist-1 drum (4 stories or

more on buildings); Hoist-1 drum (over 40 feet on structures other than buildings);

Hoist (2 drum or over); Locomotives (all types); Mechanic; Mixer Plant Operator-

Central Mix; Motor Patrols; Piledrivers; Pull Cat; Pump Grate-6" and over dis-

charge; Push Cat; Road Pavers; Rollers (Plant Mix Asphalt); Scrapers; Shovels;

Sidebooms; Unit Operator; Welder, Journeyman; Well Point System; Winches; Winch

Cats (Cat D-4 and over); Winch Truck with A-Frame (5 ton and over); Work Boats-

requiring licensed operator

GROUP 6 - Push Hog; Compressor; Concrete pump-under 6" discharge; Concrete Saw;

Deck Winch (1 drum); Distributors; Ditching or trenching machines (non-riding

type); Dowel Bar Machine; Farm-type tractors (when used to pull discs, grass-

cutters, etc.); Hoist-1 drum (under 4 stories on buildings); Hoist-1 drum (40

feet or under on structures other than buildings); Kolum Buff Machines; Mixers

(1 sack and under); Motorized street sweepers self propelled; Pump (3" and over);

Test Pump-Internal combustion engine powered; Water Blast Pumps

GROUP 7 - Asphalt Plant Operator; Boom Trucks; Bull Floats; Concrete Spreader;

Farm Type Front End Loaders; Finishing Machines (Roadway, riding type); Roller

(other than plant mix asphalt); Straddle Buggies; Winch Truck with A-Frame

(under 5 tons); Work Boat-not requiring licensed operator

POWER EQUIPMENT OPERATORS - ZONE 6

GROUP 1 - Snatch Cat; Pumps, 3 inch suction or more

GROUP 2 - Pumps, under 3 inch suction; Mechanic Helper

GROUP 3 - Oiler

GROUP 4 - Batch Plant Operator

GROUP 5 - Air Compressor; Asphalt Plant Engineer; Blade Grader; Distributor

(Bitum Surface); Finishing Machine (Concrete, Paving); Hoist - 1 drum, less

than 4 stories; Concrete Mixer under 16s; Oiler Driver; Pump Grate; Street &

Road Sweeper; Roller (except on asphalt or brick); Roller, asphalt or brick

(under 5 tons); Post-hole digger; Tractor operated Bush Hog and similar grass

or bush cutting equipment

GROUP 6 - A-Frame Truck; Crew Boat Operator; Fireman; Fork Lift; Straddle Buggy;

Tractorvator, Scoopmobile and similar front-end loading equipment with Scoop or

Bucket under 1 cubic yard capacity; Locomotive; Well Point System; Unit Operator;

Hoist - 1 drum, 4 stories or over

GROUP 7 - Backhoe; Cable Way; Concrete Mixer, 16s and up; Derrick; Crane; Dragline;

Dredge; Equipment Maintenance Mechanic; Hoist - 2 drum; Locomotive Crane; Paving

Mixer; Piledriver; Road Paver; Roller on asphalt or brick (5 tons or over);

Shovel; Sideboom Cat; Bulldozer; Motor Patrol; Scraper; Hydrolift Crane, Hydro-

lift Truck, Yard Crane, Cherry Picker, etc.; Foundation, Boring and Reaming

Machine; Cement Stabilizer; Trenching Machine; Asphalt Spreader; Tractorvator &

similar front end loading equipment with scoop or bucket of 1 cubic yard or more

capacity; Tug Boat Operator; Turnapuli, Euclid, DW-10 & other similar self-loading

earth moving equipment; Concrete Pump (not Pump Grate)

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POWER EQUIPMENT OPERATORS - ZONE 6 (CONT'D)

GROUP 8 - Crane Operator, 60 tons & over; Crane Operator, Boom 100 feet & over; Piledriver Operator, Leads 100 feet & over

GROUP 9 - Crane Operator, 100 tons & over; Crane Operator, Boom 150 feet & over; Piledriver Operator, Leads 150 feet & over

GROUP 10 - Crane Operator, Boom 250 feet & over; Piledriver Operator, Leads over 250 feet

POWER EQUIPMENT OPERATORS - ZONE 7

GROUP 1 - Assistant Master Mechanic

GROUP 2 - Master Mechanic

GROUP 3 - Oilers

GROUP 4 - Batch Plant Operators; Mechanic Helpers; Oilers (Drivers)

GROUP 5 - A-frame truck, except when working with ironworkers or pipefitters; Air Compressor; Asphalt Plant Engineers; Asphalt Finisher, Screed Men; Blade Graders; Boat Operator; Bulldozers; Concrete Joining Machines; Concrete Mixers, 16s and under; Concrete Spreader; Crusher Operator; Deck Winch Operator (1); Distributors, asphalt "pitch witch" and similar equipment; Electric Elevators (inside); Finishing Machine; Fireman; Form Graders; Fork Lifts; Hoist, 1 drum, under 4 stories; Power Subgrader; Pug Mill Operators; Pull Tractors; Pump, Pump Crete; Rollers, except on brick and asphalt; Rubber tired Front End Loader (with or without blade attachments) less than 1 cu. yd. capacity; Scale Operator; Scoopmobile; Snatch Cats; Spray Machines; Stabilizers, less than 3 drums; Straddle-Buggy; Track Machines and equivalent Machines; Tractors or Bulldozers smaller than D-6

GROUP 6 - A-Frame Truck, when working with ironworkers and pipefitters; Bulldozers D-6 and larger; Cable Ways; Concrete Mixers, over 16-s paving machines; Cranes, Derricks; Draglines and Clam Shells; Deck Winches (2); Gradaalls; Hi-Ho and similar type equipment; Hoist, 1 drum, 4 stories and over; Hoists, 2 drums or more; Hydro cranes; Mechanic; Motor Patrols; Piledrivers; Rollers on brick and asphalt; Rubber Tired Front End Loader, with or without attachments, 1 cu. yd. capacity or more; Scrapers; Shovels; Backhoes (all types); Sideboom Cats; Stabilizers, 3 drums or more; Traxcavators; Trenching Machines; Unit Operator; Welder, journeymen; Well Point Systems (gas, diesel, electric, etc.); Concrete Pump/Boom Combinations

AREA COVERED BY POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

ZONE 2 - Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides, Sabine, St. Landry & Winn Parishes

ZONE 3 - All of Acadia, Lafayette & Vermilion Parishes; Parts of Iberia, St. Martin & St. Mary Parishes (west of a line drawn from the city of Berwick to the junction of the Iberville-St. Landry Parishes border)

ZONE 4 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

ZONE 5 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 6 - All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, St. Helena, West Baton Rouge & West Feliciana Parishes; Parts of Assumption & St. James Parishes (northwest of a straight line drawn from the city of Berwick to the city of Lusher); Parts of Iberia & southern & northern St. Martin Parishes (east and west of a line from the city of Berwick north to the eastern boundary of the city of Krotz Springs); Parts of Livingston, Tangipahoa & Washington Parishes (west of a line drawn north from the city of Lusher to the east side of the city of Hammond to the Louisiana-Mississippi border)

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AREA COVERED BY POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION) ZONES (CONT'D)

ZONE 7 - All of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany & Terrebonne Parishes; Parts of Assumption, Livingston, St. James, St. Martin, St. Mary, Tangipahoa & Washington Parishes (that portion of southeastern Louisiana bounded on the north by the State of Mississippi, on the east by the State of Mississippi and the Mississippi Sound, on the south by the Gulf of Mexico and on the west by a line drawn as follows: beginning at a point on the Louisiana-Mississippi boundary in Washington Parish, Louisiana, due north of the town of Hackley, Louisiana, thence south-westerly in a straight line to a point on the east bank of the Mississippi River at the southermost point of Lusher (including Gramercy in the area), thence in a more southwesterly direction in a straight line to midstream of the Atchafalaya River at Morgan City-Berwick (including Morgan City in this area), thence southerly on a line following midstream of the Atchafalaya River to Atchafalaya Bay and in a line due south to the Gulf of Mexico)

	Fringe Benefits Payments					Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation		
POWER EQUIPMENT OPERATORS (HIGHWAY CONSTRUCTION)						
<u>GROUP 1</u>						
ZONE 1	\$ 8.45	.25	.39			.05
ZONE 2	8.31	.25	.39			.05
ZONE 3	8.08	.25	.39			.05
ZONE 4	8.53	.25	.48			.05
ZONE 5	6.69	.25	.30			.05
ZONE 6	6.14	.25	.30			.05
ZONE 7	5.53	.25	.30			.05
<u>GROUP 2</u>						
ZONE 1	8.70	.25	.39			.05
ZONE 2	8.56	.25	.39			.05
ZONE 3	8.33	.25	.39			.05
ZONE 4	8.78	.25	.48			.05
ZONE 5	6.94	.25	.30			.05
ZONE 6	6.39	.25	.30			.05
ZONE 7	5.78	.25	.30			.05

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Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 5.99	.25	.39			.05
5.46	.25	.39			.05
5.46	.25	.39			.05
5.53	.25	.48			.05
4.86	.25	.30			.05
4.31	.25	.30			.05
3.61	.25	.30			.05
7.20	.25	.39			.05
7.13	.25	.39			.05
6.90	.25	.39			.05
7.15	.25	.48			.05
5.58	.25	.30			.05
5.02	.25	.30			.05
4.46	.25	.30			.05
7.45	.25	.39			.05
7.38	.25	.39			.05
7.15	.25	.39			.05
7.60	.25	.48			.05
5.83	.25	.30			.05
5.27	.25	.30			.05
4.71	.25	.30			.05
6.24	.25	.39			.05
5.71	.25	.39			.05
5.71	.25	.39			.05
5.78	.25	.48			.05
5.11	.25	.30			.05
4.56	.25	.30			.05
4.06	.25	.30			.05

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Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 8.20	.25	.39			.05
8.06	.25	.39			.05
7.83	.25	.39			.05
8.28	.25	.48			.05
6.44	.25	.30			.05
5.89	.25	.30			.05
5.28	.25	.30			.05
7.20	.25	.39			.05
7.13	.25	.39			.05
6.90	.25	.39			.05
7.15	.25	.48			.05
5.58	.25	.30			.05
5.02	.25	.30			.05
4.46	.25	.30			.05
6.88	.25	.39			.05
6.39	.25	.39			.05
6.39	.25	.39			.05
6.59	.25	.48			.05
5.02	.25	.30			.05
4.48	.25	.30			.05
3.97	.25	.30			.05
6.27	.25	.39			.05
5.75	.25	.39			.05
5.75	.25	.39			.05
5.94	.25	.48			.05
4.86	.25	.30			.05
4.31	.25	.30			.05
3.61	.25	.30			.05

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CLASSIFICATION DEFINITIONS

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- GROUP 1 - 60 ton crane & over; Crane with 125' boom
- GROUP 2 - Crane with 175' boom
- GROUP 3 - Heavy Duty Operators-Crane all types; deck winches (2); Hi-Ho and similar type equipment; three drum (or more) stabilizers; pull all types; concrete mixer one yard and over; all pavers; ditching or trenching machines (track type); mechanics and equipment welders; well-point systems; hoist, two drums or more; hoist, one drum, forty vertical feet or more; scrapers; bulldozers, rubber-tired or track other than farm-type; scoops; motor patrol; gradall; rollers on hot mix; asphalt paving machines; front end loaders, other than farm-type, one cubic yard or over; shovels and backhoes, all types, and equivalent equipment; piledriver operator; sideboom cats; A-frame trucks when handling steel or pipe; work boats requiring licensed operators; tugboats; fork lifts over ten ton capacity; and foundation drilling machines
- GROUP 4 - Medium Duty Operators-Two drums stabilizers; front end loaders under 1 cubic yard; A-Frame truck except when handling steel or pipe; finishing machines (concrete); power subgraders; tow tractor (crawler type); one drum hoist under 40 vertical feet; fireman; concrete spreader; pugmill operator; bituminous distributor on surface treatment and equivalent; bull floats and equivalent; job grease man on "Highway Construction"; unit operator (all Highway Zones); work boats not requiring licensed operators; inboard motored crew boats
- GROUP 5 - Light Duty Operators-Single drum stabilizer; concrete mixer under one yard; spray curing machines; rollers on subgrade; one air compressor over 125 cubic feet; form graders; asphalt finisher screed man; pump over 4 inches; scale operators; crusher operators; concrete jointing machines; concrete saw; tack machines and equivalent equipment; pumpcrete; electric elevator (inside); oiler-driver; farm-type, rubber-tired tractor, with attachments, except backhoes; Kolum buff and similar equipment; fork lifts, ten ton capacity and under; out-board motored crew boats
- GROUP 6 - Mechanic Helper; Batch Plant Operator
- GROUP 7 - Oiler
- GROUP 8 - Fireman
- GROUP 9 - Fireman Operator Steam Valve
- GROUP 10 - Oiler on Crane Using Air to Drive Piles

AREA COVERED BY POWER EQUIPMENT OPERATORS (HIGHWAY CONSTRUCTION) ZONES

- ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
- ZONE 2 - Ascension, East Baton Rouge, Iberville & West Baton Rouge Parishes
- ZONE 3 - Bossier, Caddo & Red River Parishes
- ZONE 4 - Calcasieu, Cameron & Jefferson Davis Parishes
- ZONE 5 - Lafayette, Ouachita & Rapides Parishes
- ZONE 6 - Acadia, Bienville, DeSoto, Iberia, Livingston, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington & Webster Parishes
- ZONE 7 - Allen, Assumption, Avovelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (south of Iberia Parish), Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 8.48				
6.73		.10		
		.10		
7.56	.60	.45	.10	.25
7.66				
5.14	.35	.45		.04
	.35	.45		.04
7.00				
6.75				
6.50				
5.45				
7.20		.20		.02
5.00		.20		.02
4.48		.20		.02

AREA COVERED BY ROOFERS' ZONES

- ZONE 1 - Allen, Beauregard, Calcasieu, Camurton, Evangeline, Jefferson Davis, Vermilion & Vernon Parishes
- ZONE 2 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, South St. Martin, St. Mary, St. Tammany, Terrebonne & Washington Parishes
- ZONE 3 - Acadia, Ascension, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, North St. Martin, Tangipahoa, West Baton Rouge & West Feliciana Parishes
- ZONE 4 - Avovelles, Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Ouachita, Rapides, Richland, Tensas, Union, West Carroll & Winn Parishes
- ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes

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AREA COVERED BY SOFT FLOOR LAYERS ZONES

ZONE 1 - Allen, Beaugerard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
 ZONE 2 - Ascension (south of the Mississippi River), Assumption, Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River) & St. John the Baptist Parishes
 ZONE 3 - Iberia (northeast of the Atchafalaya River), Lafourche, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion) & Terrebonne Parishes
 ZONE 4 - Parts of St. Tammany & Tangipahoa (north of I-12 from the Mississippi State Line to the western boundary of Tangipahoa Parish) & Washington Parishes
 ZONE 5 - Avoyelles, Grant, LaSalle & Rapides Parishes
 ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
 ZONE 7 - Natchitoches & Sabine Parishes
 ZONE 8 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation	Education and/or Appr. Tr.	
SPRINKLER FITTERS	\$10.10	.60	.90			.08
TERRAZZO WORKERS						
ZONE 1	8.80	.25				
ZONE 2	9.45	.48	.30			.02
ZONE 3	7.25					
ZONE 4	7.42		.25			
ZONE 5	7.55	.30				
ZONE 6	9.10					

AREA COVERED BY TERRAZZO WORKERS ZONES

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, West St. Tammany & Terrebonne Parishes
 ZONE 2 - Acadia, Allen, Beaugerard, Calcasieu, Cameron, Jefferson Davis, Vermilion & Vernon Parishes
 ZONE 3 - Iberia, Lafayette, St. Martin & St. Mary Parishes
 ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
 ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
 ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

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SHEET METAL WORKERS

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation	Education and/or Appr. Tr.	
ZONE 1	\$ 9.09	.40	.15			.10
ZONE 2	9.31	3%+.40	.60			.14
ZONE 3	8.25	.20	.50			.12
ZONE 4	8.45	3%+.40	.25			.07

AREA COVERED BY SHEET METAL WORKERS ZONES

ZONE 1 - Calcasieu Parish
 ZONE 2 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany, Terrebonne & Washington Parishes
 ZONE 3 - Acadia, Allen, Ascension, Assumption, Beaugerard, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, St. Mary, Tangipahoa, Vermilion, West Baton Rouge & West Feliciana Parishes
 ZONE 4 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation	Education and/or Appr. Tr.	
ZONE 1	\$ 8.395	.35	.28			.05
ZONE 2	9.37	.35	.30			.04
ZONE 3	9.205	.35	.30			.04
ZONE 4	8.10	.35	.30			.04
ZONE 5	7.85	.35	.25			.04
ZONE 6	8.30	.35	.25			.04
ZONE 7	7.85	.35	.20			.05
ZONE 8	7.65	.35				

SOFT FLOOR LAYERS

ZONE 1
 ZONE 2
 ZONE 3
 ZONE 4
 ZONE 5
 ZONE 6
 ZONE 7
 ZONE 8

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	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 1	\$ 6.55	.25			.05
ZONE 2	5.27	.15	.10		
ZONE 3	3.30				

TERRAZZO WORKERS' HELPERS

AREA COVERED BY TERRAZZO WORKERS' HELPERS ZONES

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. Helena, St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne, West Baton Rouge & West Feliciana Parishes

ZONE 2 - Caldwell, East Carroll, Franklin, Jackson, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Webster & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 1	\$ 8.80	.25			.02
ZONE 2	7.35	.43	.25		
ZONE 3	8.25				
ZONE 4	7.42		.25		
ZONE 5	7.55	.30			
ZONE 6	9.10				

AREA COVERED BY TILE SETTERS' ZONES

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, West St. Tammany & Terrebonne Parishes

ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 3 - St. Tammany (northern half including Covington north of Highway 190) & Washington Parishes

ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 1	\$ 6.55	.25			.05
ZONE 2	5.27	.15	.10		
ZONE 3	3.00				

TILE SETTERS' HELPERS

AREA COVERED BY TILE SETTERS' HELPERS ZONES

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. Helena, St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge & West Feliciana Parishes

ZONE 2 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Webster & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 1	\$ 4.91				
GROUP 1	5.34				
GROUP 2	5.55				
GROUP 3	5.55				
GROUP 4	5.35				
GROUP 5	5.55				
GROUP 6	5.45				
GROUP 7	5.55				
GROUP 8	5.37				
GROUP 9	5.76				
ZONE 2	5.20				
GROUP 1	5.46				
GROUP 2	6.00				
GROUP 3	5.86				
GROUP 4	6.31				
GROUP 5	6.39				
GROUP 6	6.68				
GROUP 7	6.86				

TRUCK DRIVERS (BUILDING CONSTRUCTION)

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ZONE 3	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation and/or Appr. Tr.
GROUP 1	\$ 5.47			
GROUP 2	5.55			
GROUP 3	5.60			
GROUP 4	5.95			
GROUP 5	6.10			
GROUP 6	6.30			
GROUP 7	6.65			

CLASSIFICATION DEFINITIONS

- TRUCK DRIVERS - ZONE 1**
- GROUP 1 - Teamsters, Pick-up drivers & chauffeurs
- GROUP 2 - Stake bodies (all sizes)
- GROUP 3 - Trucks trailer & dumps over 8 yds.
- GROUP 4 - Mixers on trucks up to and including 3 yds.
- GROUP 5 - Mixers on trucks over 3 yds.
- GROUP 6 - Winch trucks
- GROUP 7 - Mississippi wagons & Koehring dumpsters & similar dirt moving equipment (up to and including 8 yds.)
- GROUP 8 - Trucks - dump
- GROUP 9 - Mississippi wagons & Koehring dumpsters & similar dirt moving equipment over 8 yds.
- TRUCK DRIVERS - ZONE 2**
- GROUP 1 - Teamster, pick-up drivers
- GROUP 2 - Stake bodies (all sizes)
- GROUP 3 - Truck & trailer; Dump
- GROUP 4 - Mixers on trucks, up to and including 3 yds.
- GROUP 5 - Mixers over 3 yds.
- GROUP 6 - Winch trucks
- GROUP 7 - Mississippi wagons & Koehring dumpsters, tandem and similar dirt moving equipment, up to and including 8 yds.
- GROUP 8 - Mississippi wagons, Koehring dumpsters, tandem and similar dirt moving equipment, over 8 yds.
- TRUCK DRIVERS - ZONE 3**
- GROUP 1 - Pick-up drivers, spotters & dumpers of dirt, gravel, asphalt & rock; Truck helpers
- GROUP 2 - Stake bodies; flat beds (all sizes)
- GROUP 3 - Single axle dumps & water trucks; transit mix, up to & including 3 yds.
- GROUP 4 - Tandem axle dump, batch and water trucks over 3 tons, pickups with trailer
- GROUP 5 - Mississippi wagons, floats, tractor trailers; rubber tired tractors and wobble wheels
- GROUP 6 - Euclide, lowboys, Dempsey dumpsters, Koehring-dumps, five axle trucks, transit mix over 3 yds., fuel truck
- GROUP 7 - Fork lift

AREA COVERED BY TRUCK DRIVERS (BUILDING CONSTRUCTION) ZONES

- ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
- ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
- ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

TRUCK DRIVERS (HIGHWAY CONSTRUCTION)	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation and/or Appr. Tr.
GROUP 1				
ZONE 1	\$ 5.49			
ZONE 2	5.49			
ZONE 3	5.26			
ZONE 4	5.90			
ZONE 5	4.45			
ZONE 6	4.35			
ZONE 7	4.25			
GROUP 2				
ZONE 1	5.61			
ZONE 2	5.61			
ZONE 3	5.35			
ZONE 4	6.02			
ZONE 5	4.56			
ZONE-6	4.46			
ZONE 7	4.36			
GROUP 3				
ZONE 1	5.66			
ZONE 2	5.66			
ZONE 3	5.55			
ZONE 4	6.07			
ZONE 5	4.61			
ZONE 6	4.51			
ZONE 7	4.41			

DECISION NO. LA76-4131

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP 4					
ZONE 1	\$ 5.73				
ZONE 2	5.73				
ZONE 3	5.73				
ZONE 4	6.14				
ZONE 5	4.67				
ZONE 6	4.57				
ZONE 7	4.47				
GROUP 5					
ZONE 1	5.89				
ZONE 2	5.89				
ZONE 3	6.09				
ZONE 4	6.31				
ZONE 5	4.83				
ZONE 6	4.73				
ZONE 7	4.63				

CLASSIFICATION DEFINITIONS

- GROUP 1 - One ton and under; Warehouseman, material checker, receiving clerk, spotter and dumper
- GROUP 2 - One and one-half (1½) tons to and including two (2) tons (exclusive of dump trucks), truck mechanic helper
- GROUP 3 - Single axle dump trucks, single axle water trucks
- GROUP 4 - Heavy equipment, tandem axle dump and tandem axle water trucks, winch lift, transit mix, floats, pole trailers, four axle trailers and truck mechanic
- GROUP 5 - Special equipment, euclids and five axle moving equipment

AREA COVERED BY TRUCK DRIVERS (HIGHWAY CONSTRUCTION) ZONES

- ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
- ZONE 2 - East Baton Rouge Parish
- ZONE 3 - Bossier & Caddo Parishes
- ZONE 4 - Calcasieu Parish
- ZONE 5 - Lafayette, Ouachita & Rapides Parishes
- ZONE 6 - Acadia, Ascension, Bienville, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes
- ZONE 7 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (south of Iberia Parish), Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental

DECISION NO. NY 6-3203

COUNTRIES: BROOK, KINGS, QUEENS,
RICHMOND AND NEW YORK
DATE: DATE OF PUBLICATION

SUPERSEDES DECISION

STATE: NEW YORK

DECISION NO.: NY 6-3203

Supersedes Decision No. NY 75-3115 dated December 12, 1975 in 40 FRS 8048.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

Construction.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
<u>BUILDING, HEAVY, AND HIGHWAY CONSTRUCTION</u>					
Asbestos Workers	\$10.45	1.43	.94	1.25	.02
Boilermakers	10.57	5%	15%	7%	.01
Bricklayers	10.99	1.13	3.38		
Carpenters, Building:					
Carpenters, Soft Floor Layers, Millwrights, Dock builders, and Piledrivers	10.92	1.25	1.73	.65	.02
Carpenters, Heavy:					
Carpenters, Dock builders, and Piledrivers	10.92	1.25	1.73	.65	.02
Timbermen, Heavy	9.93	1.25	1.73	.65	.02
Cement Masons	9.35	1.005	1.505	1.00	.01
Electricians and Linemen	12.25	7%	14% ^a	5.74+ ^b	$\frac{3}{4}$
Elevator Constructors	10.12	.495	.32+ ^j	c + d	.02
Elevator Constructors' helpers	7.59	.495	.32+ ^j	c + d	.02
Elevator Constructors' helpers (prob.)	5.06				
Elevator Constructors Modernization	9.35	.495	.32+ ^j	c + d	.02
Elevator Constructors Modernization helpers	7.01	.495	.32+ ^j	c + d	.02
Elevator Constructors Repair	8.50	.495	.32+ ^j	c + e	.02
Elevator Constructors Repair's helpers	6.38	.495	.32+ ^j	c + e	.02
Glaziers	10.30	.66	1.66	.47	.01
Ironworkers:					
Structural	11.65	1.20	2.70	1.55+ ⁱ	.06
Ornamental Finisher	10.24	.86	2.35	.78	.04
Reinforcing	9.10	.795	1.755	.75	.01
Laborers:					
Asphalt Rakers	9.49	1.10	1.00	m	
Asphalt Tamers	9.27	1.10	1.00	m	
Asphalt Laborers	9.25	1.10	1.00	m	
Blasters (Hvy.)	8.59	.805	1.335	.65+ ^c	
Cement Concrete Workers	7.70	.7025	1.2025	1.20	
Curb Setters (Hvy.)	11.58	1.10	1.00	m	
Laborers, Puddlers, Concrete Bakers (Hvy.)	9.32	1.10	1.00	m	
Laborers (Bldg. and Hvy.)	8.15	1.30	1.41		
Mason Tenders	8.30	.687	1.295		
Pneumatic Gas, Electrical Tool Operator (Hvy.)	7.46	.805	1.335	.65+ ^c	
Laborers, Demolition:					
Barmen	9.00	6%	8%	.35	

Laborers: (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
	8.70	6%	8%	.35		
	11.58	1.10	1.00	m		
	8.20	2.45		.80		
	9.45	1.40		1.00		
	7.90	.90	.60	.35	.01	
	6.77	.805	1.335	.65+e		
	11.16	1.10	1.00	m		
	7.62					
	9.10	.785	1.75	.75	.01	
	8.40	.655	1.655	.70	.01	
	6.75		.25	f	.01	
	10.50	.40	.25		.01	
	7.55	.63	1.41	h		
	8.00	.63	1.41	h		
	7.17	.63	1.41	h		
	6.93	.63	1.41	h		
	8.50	8½%	5½+g	3%		
	10.32	8½%	5½+g	3%		
	7.50	8%	11%			
	8.50	8%	11%			
	9.55	1.10		1.40	.01	
	8.70	1.00	.20	1.40	.01	
	9.25	1.10	.80	.90	.01	
	9.25	1.07	1.86	.72	.06	
	10.01	1.75	1.59	1.19	.22	
	9.55	.60	1.98	1.02	.25	
	9.25	1.59	2.45	.65		
	10.82	.55	1.20	1.75		
	5.13	.50	1.40	1.40		
	9.70	.50	1.00	1.00		
	7.90	.50	.80	.80	.02	
	11.70	1.715	1.045	.405		
	9.62	2.65	1.12	.86	.07	

DECISION NO. NY16-3203

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Stonemasons	10.25	.50	1.00			.01
Stone Derricks and Riggers	11.16	.98	.77			
Terrazzo Workers	9.10	.62	1.95			
Terrazzo Workers' helpers	8.84	1.21	1.50			
Terrazzo Workers', Machine Oper.	8.99	1.21	1.50			
Tile Setters	8.50	.80	2.10			
Tile Setters helpers	7.90	.50	1.27			
Tuckpointers:						
Steam Cleaners	8.97	.70	1.44	.50		.015
Waterproofer	8.72	.70	1.44	.50		.015
Sandblasters	9.72	.70	1.44	.50		.015
Truck Drivers, Building:						
Ready-Mix Concrete, Sand, Gravel and asphalt	8.02	.7325	1.5824	k + 1		
Euclids and Turnapull Operators	8.075	.7325	1.5825	k + 1		
4 Wheel Trucks, Hi-Lo Lift Oper.	6.775	.7325	1.5825	k + 1		
Helpers and Yardmen	6.525	.7325	1.5825	k + 1		
Welders-receive rate prescribed for craft performing operation to which welding is incidental.						
PAID HOLIDAYS:						
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.						
FOOTNOTES:						
a. Employer contributes \$7.00 per day to Annuity and Security Benefit Fund.						
b. Holidays: A through F; Election Day; Employee's Birthday.						
c. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; Election Day; Armistice Day.						
d. Employees with 6 months or more but less than 5 years service receive 2 weeks vacation, 5 or more years of service receive 3 weeks vacation.						
e. Employees with 6 months or more but less than 5 years service receive 2 weeks vacation, 5 or more years but less than 15 years service receive 3 weeks vacation, 15 or more years receive 4 weeks vacation.						

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION

FOOTNOTES: (Cont'd)

- f. Holidays: A through F; Washington's Birthday; Christmas Eve and Good Friday, providing the employee has worked 30 full days during the 90 calendar days prior to the holiday, and regular schedule work days immediately preceding and following the holiday.
- g. \$4.00 per day contribution to Annuity Fund.
- h. Paid Holiday: St. Patrick's Day.
- i. Paid Holidays: New Year's Day, Christmas Day provided the employee works a full half day preceding the holiday.
- j. Employer contributes \$7.00 per day to Annuity Fund.
- k. Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Veteran's Day, provided the employee works two days in the calendar week in which the holiday falls and each remaining work day during such calendar week.
- l. For each 15 days worked within the contract year an employee will receive one day's vacation with pay, with a maximum vacation of 3 weeks per year.
- m. Holidays: B, C, D, E, Election Day, Columbus Day, providing employee works at least 1 day in the week in which the holiday occurs.

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Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Other
	H & W	Pensions	Vacation			
\$11.07	5%	5%+90	.70 + a		.02	
10.92	5%	5%+90	.70 + a		.02	
10.50	5%	5%+90	.70 + a		.02	
11.42	5%	5%+90	.70 + a		.02	
11.67	5%	5%+90	.70 + a		.02	
11.92	5%	5%+90	.70 + a		.02	
12.42	5%	5%+90	.70 + a		.02	
11.34	5%	5%+90	.70 + a		.02	
10.93	5%	5%+90	.70 + a		.02	
9.94	5%	5%+90	.70 + a		.02	
11.25	5%	5%+90	.70 + a		.02	

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS

Double drum hoist

Stone derrick, cranes, cherry picker

Hoist, fork lifts, house cars, plaster (platform machine), plaster bucket, plaster pumps, compressors-welding machines (cutting concrete-tank work) paint spraying, sand blasting, and all equipment used for hoisting material

Cranes: All types - crawler or truck 100' to 149' boom

150' to 249' boom

250' to 349' boom

350' to 450' boom

Steel Erections:

Three drum derricks

Cranes, 2 drum derricks, cherry pickers

Compressors, welding machines

Tower Crane

FOOTNOTES:

* Paid Holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Good Friday (Iron League only); Decoration Day; Independence Day; Labor Day; Columbus Day; Election Day; Armistice Day; Thanksgiving Day; and Christmas Day providing the employee is employed during the payroll week in which the holiday falls.

DECISION NO. NY76-3203

POWER EQUIPMENT OPERATORS:
HEAVY AND HIGHWAY CONSTRUCTION

Class 1

Class 2

Class 3

Class 4

Class 5

Class 6

Class 7

Class 8

Class 9

Class 10

Class 11

a

b

c

d

Class 12

Class 13

Class 14

Class 15

FOOTNOTES:

a. Employer contributes \$1.00 per hour to an annuity fund.

b. New Year's Day; Lincoln's Birthday; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Election Day; Veterans' Day; Thanksgiving Day; Christmas Day, providing the employee works one day in the payroll week in which the holiday occurs.

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POWER EQUIPMENT OPERATORS
HEAVY AND HIGHWAY CONSTRUCTION

Class 1: Backhoes, Power shovels, Steel erection

Class 2: Mine hoist and cranes

Class 3: Gradalls, Keystones, Cranes (on land or water with digging buckets including sand rock cranes, Bridge cranes, Clamshells, Draglines, Trenching machines)

Class 4: Piledriving cranes (when driving piles), Piledriving rigs (when driving piles), Cranes (under direction of a dockbuilder foreman), Derrick boats, Tunnel shovels, Concrete Plant (on site only)

Class 5: Cherrypicker (20 tons and over)

Class 6: Tunnel mucking machines, Back filling machines, Cranes (including but not limited to those utilizing scale boxes and mucking buckets), Paver dual drums

Class 7: Elevator (manually operated), Pavers, Cableways, Land derricks, Power houses (which contain low air pressure units), Asphalt spreaders, Autogrades (C.M.I. and machines of similar nature)

Class 8: Power houses (other than above), Portable compressors (used for steel erection), Compressors (3 or more in battery), Driving of truck mounted compressors, Double drum hoist, Concrete pumps, Well point pumps, Tugger machines (compressed air caissons), Drilled in caissons, Soil solidification equipment, Welding machines (used for steel erection)

Class 9: Rollers (irrespective of motor power), Concrete mixers

Class 10: River cofferdam pumps, Welding machine (1 operator 2 through 5 machines, 2 operators 6 through 10 machines except where ARC is operated by members of L-15), Concrete breaking machines, portable compressors (1 or 2 in battery not over 100' apart), High pressure boilers, Single drum hoist, Locomotives (over 10 tons), Push-button machines, Stationary engineers (car, operating and maintenance of conveyor roller and plant equipment in asphalt plants)

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POWER EQUIPMENT OPERATORS (Cont'd)
HEAVY AND HIGHWAY CONSTRUCTION

Class 11: Long Boom Land Cranes:

- a - 100' - 149'
- b - 150' - 249'
- c - 250' - 349'
- d - 350' - 450'

Class 12: Junior engineers (when operating loaders rubber-tired and/or tractor type with a manufacturer's minimum rated bucket capacity of 6 cubic yards and over)

Class 13: Junior engineers (when operating the following equipment and attachments): Scrapers, Turn-a-pulls, Tugger hoists (used exclusively for handling excavated material), Tractors (rubber-tired and/or track type), Hysters and roustabout cranes, Back scratchers, Cherrypickers (all capacities, including the crew requirement for a manufacturer's minimum rated capacity of cherrypicker twenty tons and over), Austin Western and machines of a similar nature, Pasin machines, Stetco silent hoist and machines of a similar nature, Vac-all, Meyers machines, John beam and machines of a similar nature, Bulldozers, Loaders (rubber-tired and/or tractor type with a manufacturer's minimum rated bucket capacity or less than 6 cubic yards), Conveyors, Motor graders, Curb and gutter pavers and machines of a similar nature, Ross carriers and travel lifts and machines of a similar nature

Class 14: Junior engineers when operating the following pieces of minor equipment: Tractors, Locomotives (10 tons and under), Post hole diggers, Ditch winch (walk behind), Motor generators, Road finishing machines, Mixers (165 and under with or without loading devices), Rollers (5 tons and under), Tugger hoists, Dual purpose trucks, Fork lifts, Dempster dumpers, Firemen (tending to); Steam operated shovels, Power boilers, Steam operated pile drivers, Steam operated derrick boats, Steam operated water rigs

Class 15:—Apprentice engineers and oilers (all gasoline, electric, diesel, or air operated), Shovels, Cranes, Draglines, Backhoes, Keystones, Gradalls, Pavers, Trenching machines, Concrete pumps, Gunite machines, Compressors (3 or more in battery), Power houses, there duties shall be to assist the engineer in oiling, greasing and repairing of all machines, giving signals when necessary, chaining buckets and scale boxes, driving truck cranes, driving and operating fuel and grease truck

DECISION NO OH76-2085

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$10.74	.45	.70		.02	
BOILERMAKERS	11.48	.60	1.00		.03	
BRICKLAYERS & STONEMASONS (Townships of Smith)	10.10	.60	.80		.02	
BRICKLAYERS & STONEMASONS (Remainder of County)	10.71	.60	.60		.02	
CARPENTERS	10.28	.40	.80		.02	
Millwrights & Pile-drivemen	11.07	.40	.80		.02	
CEMENT MASONS (Building)	10.57	.50	.50		.05	
ELECTRICIANS:						
Milton - Township	10.92	.60	5%		.1%	
Smith - Township	10.60	.30	1 1/4 - 1.10		.3%	
Remainder of County	11.72	.53	5%		.3%	
ELEVATOR CONSTRUCTORS	9.90	.495	.32	4 1/2 + a+b	.02	
ELEVATOR CONSTRUCTORS' HELPERS	6.93	.495	.32	4 1/2 + a+b	.02	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	4.95					
GLAZIERS	10.83	.60	.40		.07	
IRONWORKERS, STRUCTURAL, ORNAMENTAL & REINFORCING	11.23	.40	.85			
LABORERS: Building & Construction Laborers	8.95	.55	.40		.05	
Jackhammer op. (all machine driven tools, electric, gas or air & gas buggies) Mortar mixers (hand or machine)	9.08	.55	.40		.05	
Trenching & shaft excavations (7' or more)	9.13	.55	.40		.05	
Jackhammer op. in trench & shaft excavation (7' or more)	9.07	.55	.40		.05	
Power & dynamite & sewer Pipe-layers	9.27	.55	.40		.05	
Scrap iron burning	9.05	.55	.40		.05	
Gunnite nozzlemen	9.53	.55	.40		.05	
Gunnite scaffolding (over 25')	9.35	.55	.40		.05	
Gunnite gunman	9.53	.55	.40		.05	
Plasterers hod carriers	9.15	.55	.40		.05	
LATHERS	9.845	.40	.10		.01	
LEAD BURNERS	10.50	.35			.01	
MARBLE SETTERS	11.475					
MARBLE SETTERS' HELPERS	10.625					

Fringe Benefits Payments					Education and/or Appr. Tr.
Basic Hourly Rates	H & W	Pensions	Vacation		
PAINTERS: Commercial:					
Brush	10.665	.60			
Paperhanging waterproof, & wall washing	10.665	.60			
Dry wall taping	10.815	.60			
Spray	11.165	.60			
PLUMBERS & STEAMFITTERS	10.61	.75			
PLASTERERS	9.52	.50			
ROOFERS	10.48	.60			
SHEET METAL WORKERS	11.05	.75			
SOFT FLOOR LAYERS	9.74	.40			
SPRINKLER FITTERS	12.05	.60			
TERRAZZO WORKERS	10.615				
TERRAZZO WORKERS' HELPERS	9.765				
TILE SETTERS	10.615				
TILE SETTERS' HELPERS	9.765				
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					
PAID HOLIDAYS: (Where Applicable) A-New Year's Day; B-Memorial Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					
FOOTNOTES:-					
a. Six paid holidays: A through F.					
b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.					

DECISION NO. CH76-2085

POWER EQUIPMENT OPERATORS

CLASS I
CLASS II
CLASS III
CLASS IV
CLASS V
CLASS VI

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appl. Tr.
	H & W	Pensions	Vocation		
\$ 11.18	.65	.80			.14
10.49	.65	.80			.14
9.91	.65	.80			.14
9.50	.65	.80			.14
9.40	.65	.80			.14
11.45	.65	.80			.14

CLASS I - Asphalt planer heater, Austin western & similar type, Backhoe, Batch plant-portable concrete, Berm builder-automatic, Backfiller w/drag attachment, boat derrick, Boat-tug, Boring mach. attached to tractor, Bulldozer, Bulldozer, G.M.I. road builder & similar types, Cable placer & layer, Carrier-straddle, Carryall -scraper or scoop, Chicago boom, Compactor w/blade attached, Concrete spreader finisher comb., Crane, Crane-stationary or climbing, Crane-electric overhead, Crane-side boom, Crane-truck, Derrick-tower, Derrick-boom, Derrick-car, Diggers-wheel (not trencher or road widener), Double nine, drag line, Dredge, Drill-Kenney or similar type, Electromatic, Fork lift, Frankie pile, Gradall, Grader-power, Gurry, Gurry-self-propelled, High lift, Hoist-monorail, Hoist-stationary & mobile tractor, Hoist - 2 or 3 drum, Jackall, Jumbo mach., Kocal or Kuhlman, Land-sealing vehicle, Loader - Elevating, Loader-front end, Locomotive, Mechanic as welder, Metro clip harvester w/boom, Mucking mach., Paver-asphalt finishing mach., Paver-road concrete, Paver-slip form, Place crete mach, Post driver, Power driven pumps and jacks-drilling, Shovel, Spikemaster, Stonecrusher, Tie puller & loader, tie tamper, Tractor-double boom, Tractor w/attachments, Trucks-boom, Truck-tire-assigned to job, Trench mach., Tunnel machine (Mark 21 Java or similar), Whiley

CLASS II - Asphalt plant, Bending Machine, Boring mach., Chip harvester w/o boom, cleaning Mach. - pipeline, type Coating Mach. - pipeline type, Concrete belt placer, concrete finisher, Concrete planer or asphalt, Concrete spreader, Elevator, Fork lift walk behind, Form line mach., Grease truck op., Grout pump, Gunnite mach., Huck bolting Mach., Hydraulic scaffold, Paving breaker, Pipe dream, Pot fireman, Power broom, Refrigeration plant, Sasgen derrick, Seeding Mach., Self-propelled mobile vibrator compactor or roller, Hoist-single drum, Soil stabilizer (pump type), spray cure Mach. - Self-propelled, Staw blower mach., Sub-grader, Tube finisher or broom C.M.I. or similar type of Tugger Hoist

CLASS III - Batch plant-job related, Boiler op., Compressor (125 CFM or over), Curb builder (self propelled), Generator-steam, Jack-hydraulic-power driven, Mixer-concrete, Mulching Mach., Pin puller, Pulverizer, Pump, Road finishing mach. (pull type), Roller, Saw-concrete-self propelled, Signal man, spray cure Mach. - mortar powered, Spreader (Side driver shoulder attachment), Tractor Trencher-form, Water blaster

CLASS IV - Brake man, Compressor under 125CFM, Conveyor, Conveyor 12 feet or under other than servicing brick layers, Deck hand, Drill wagon, fireman, Generator sets, Heaters-portable power (2 to 5), Helper-mechanic, Jacks Hydraulic (Railroad), Ladavator, Roller (walk behind 1 ton or over), Steam Jenny, Syphons, Vibrator-gasoline, Welding machines (2) (Fuel burning)

CLASS V - Oilier

CLASS VI - Rigs-pile driving or caisson type

NOTICES

30559

SUPERSEDES DECISION

STATE: Ohio
 COUNTIES: Pike, Ross & Scioto
 DECISION NUMBER: OH76-2087
 DATE: Date of Publication
 Supersedes Decision No. AR-3176, dated December 13, 1974, in 39 FR 43451
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

DECISION NO. OH76-2087

Description of Work and garden type apartments up to and including 4 stories)	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
LABORERS: (CONT'D)					
Gunnite nozzleman and machine operators, Powdermen & blasters	.50	.30			\$ 6.61
Ross County: Common Laborer; concrete pouring cleanup work, landscape, sod layers; Water pumps up to in-cluding 3 inch intake	.55	.40			\$7.26
Brick Tender; Plaster tender; mortar mixer; Jackhammer operator; air, electric or pneumatic tool operator; power driven tools power buggy operator; wall wrecker, and bar men or demolition sand-blasting gunnite nozzle, bottom men; laser gun, vibrator men & Mason Tender	.55 .35	.40			7.46 10.50
LEADBURNER					
LINE CONSTRUCTION					
Township of Camp Creek, Marion, Newton Scioto, Sunfish & Union in Pike & Scioto Counties					
Lineman & Operator of mechan-ized equipment	.35	1 1/2 .32	1.02		9.76
Cable Splicer	.35	1 1/2 .32	1.02		10.74
Groundman	.35	1 1/2 .32	1.02		7.81
Ross County & Remainder of Pike County					
Linemen and Equipment Operator	.28	1 1/2			10.65
Truck driver	.28	1 1/2			6.28
Groundman	.28	1 1/2			5.99
MILLRIGHTS	.40	.37			9.98
PAINTERS:					
Pike and Scioto Counties					
Brush, Taping, Paperhanging & Washing Exterior of buildings under 40 ft		.20			9.10
Rollers, floor sanding, power tools		.20			9.36
Spray, Sandblasting, Steam cleaners, hazardous material, burning, spray painting		.20			10.11

Description of Work and garden type apartments up to and including 4 stories)	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
LABORERS: (CONT'D)					
Gunnite nozzleman and machine operators, Powdermen & blasters	.50	.30			\$ 6.61
Ross County: Common Laborer; concrete pouring cleanup work, landscape, sod layers; Water pumps up to in-cluding 3 inch intake	.55	.40			\$7.26
Brick Tender; Plaster tender; mortar mixer; Jackhammer operator; air, electric or pneumatic tool operator; power driven tools power buggy operator; wall wrecker, and bar men or demolition sand-blasting gunnite nozzle, bottom men; laser gun, vibrator men & Mason Tender	.55 .35	.40			7.46 10.50
LEADBURNER					
LINE CONSTRUCTION					
Township of Camp Creek, Marion, Newton Scioto, Sunfish & Union in Pike & Scioto Counties					
Lineman & Operator of mechan-ized equipment	.35	1 1/2 .32	1.02		9.76
Cable Splicer	.35	1 1/2 .32	1.02		10.74
Groundman	.35	1 1/2 .32	1.02		7.81
Ross County & Remainder of Pike County					
Linemen and Equipment Operator	.28	1 1/2			10.65
Truck driver	.28	1 1/2			6.28
Groundman	.28	1 1/2			5.99
MILLRIGHTS	.40	.37			9.98
PAINTERS:					
Pike and Scioto Counties					
Brush, Taping, Paperhanging & Washing Exterior of buildings under 40 ft		.20			9.10
Rollers, floor sanding, power tools		.20			9.36
Spray, Sandblasting, Steam cleaners, hazardous material, burning, spray painting		.20			10.11

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS:						
Ross County	\$11.32	.30	.85			.02
Pike and Scioto Counties	11.55	.35	.35			.03
ROLLERSMAKERS	9.25	.60	.80	1.00		.02
BRICKLAYERS, STONEMASONS, MARBLE MASONS						
Scioto County	9.94					
Pike and Ross Counties	10.50					
CARPENTERS & SOFT FLOOR LAYERS	8.91	.40	.50			.03
CEMENT MASONS:						
Pike and Scioto Counties	10.11	.50	.20			.03
Ross County	9.35					
ELECTRICIANS:						
Scioto County and Townships of Camp Creek, Marion, Newton, Scioto, Sunfish & Union in Pike County	10.18	.30	1 1/2 .22	.37		.04
Remainder of Pike County: Ross County	10.65	.29	1 1/2			.02
ELEVATOR CONSTRUCTORS:						
Ross County-Elevator Constructor	10.285	.495	.32	4 1/2 + a+b		.02
Elevator constructor helper	7.20	.495	.32	4 1/2 + a+b		.02
Elevator constructor helper (Prob.)	50 1/2 JR					
Pike & Scioto - Elevator Constructor	10.235	.495	.32	4 1/2 + a+b		.02
Elevator Constructor helper	7.16	.495	.32	4 1/2 + a+b		.02
Elevator constructor helper (Prob.)	50 1/2 JR					
IRONWORKERS:						
Pike & Ross Counties	10.60	.75	1.35			.05
Scioto County	10.61	.65	.70			.01
LABORERS:						
Pike and Scioto Counties						
Common Laborers	6.04	.50	.30			.02
Sheeting and Shoring men	6.14	.50	.30			.02
Bottom men, Carpenters tender; Mason tender; mortar mixer; Plaster tender; Sewer Pipe layer	6.19	.50	.30			.02
Air & Machine driven tool operator, burning & cutting torches; Chain saws; powered concrete buggies	6.29	.50	.30			.02

DECISION NO OH76-2087

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
PAINTERS: (CONT'D)						
Exterior buildings over 40 ft. and epoxies	\$ 9.61					
Ross County:			.20			
Brush, roller, taping, paper-hanging	7.50					
Structural Steel	7.75					
Spray and Sandblasting	7.75					
PILEDRIVMEN	9.20	.40	.50			.03
PLASTERERS						
Pike and Scioto Counties	10.11					
Ross County	9.24	.50	.30			.02
PLUMBERS:						
Pike and Scioto Counties	10.87	.55	.75			.05
Ross County	11.17	.55	.80			
ROOFERS:						
Pike and Scioto Counties	9.75		.40			.02
Ross County	10.445	.60	.65			.05
SHEET METAL WORKERS	10.42	.45+c	.80			.08
SPRINKLER FITTERS	12.05	.60	.90			
TRUCK DRIVERS:						
Jeep; Autos; Pickup trucks;						
Flat Beds - all single axle						
vehicles under 2 tons; Fuel						
trucks; Dumps upto 2 tons;						
Bus	6.43	9.50d				
Dumps over 2 tons; Tandems;						
Forklift (including Mason						
tending work)	7.28	9.50d				
PAID HOLIDAYS: (WHERE APPLICABLE)						
A-New Year's Day; B-Memorial Day;						
E-Thanksgiving Day; F-Christmas Day						
FOOTNOTES:						
a. Six paid holidays; A through F providing employee worked the day preceding & the regularly scheduled day next following such holidays (except excused absences).						
b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.						
c. 3% Sheetmetal Industry Trust Fund						
d. Per week per employee						

DECISION NO OH76-2087

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
GROUP A	\$10.46	.46	.80			.11
GROUP B	10.30	.46	.80			.11
GROUP C	9.94	.46	.80			.11
GROUP D	9.16	.46	.80			.11
GROUP E	8.83	.46	.80			.11
GROUP F	7.73	.46	.80			.11

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on train (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip forms pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment, endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat.

GROUP C - Air compressor (pressureizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (4" and over discharge), trenchers 24" and under

GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers, (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable) road widening trencher rollers, welder operator

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum fireman (asphalt), farm type tractors pulling attachments, finishing machines, form trenchers, high pressure pumps over 4" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power)

GROUP F - Oiler, helpers, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge)

SUPERSEDES DECISION

STATE: Ohio
 COUNTY: Portage
 DATE: Date of Publication
 DECISION NUMBER: OH76-2089
 SUPERSEDES Decision No. AR-3044, dated September 23, 1974 in 39 FR 30794
 DESCRIPTION OF WORK: Building Construction and Residential Construction.

DECISION NO. OH76-2089

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$11.335	.50	.80			.02
BOILERMAKERS	11.48	.60	1.00			.03
BRICKLAYERS	10.97	.57	.40			.02
CARPENTERS	11.00	.40	.35			.02
Millwrights	10.85	.57	1.00			.03
Pile drivers	10.85	.57	1.00			.03
CEMENT MASONS (Building)	10.09	.50	.60			.02
ELECTRICIANS - Townships of Charleston Edinburg, Freedom, Hiram, Nelson, Palmyra, Paris & Windham	11.76	.60	5%			7/10 of 1%
ELECTRICIANS & LINEMEN (Remainder of County)	11.23	.47	1%+.50			.07
ELEVATOR CONSTRUCTORS	10.54	.495	.32	4%+a+b		.02
ELEVATOR CONSTRUCTORS' HELPERS	7.38	.395	.32	4%+a+b		.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	5.27	.70	.77			.03
GLAZIERS	9.49					
IRONWORKERS: Ravenna Ordnance Depot	9.77	.40	.85			.07
Structural, Reinforcing & Ornamental						
Remainder of County						
Structural, Reinforcing & Ornamental	11.87	.60	.80			.03
LABORERS:						
Laborers	9.25	.50	.30			.02
Power tools - air, electric and gas driven	9.40	.50	.30			.02
Pipelayer, jackhammer, hod carrier	9.45	.50	.30			.02
Dynamite man, Gunnite muzzle man	9.75	.50	.30			.02
LATHERS	11.01	.57	.15			.01
LEAD BURNERS	10.50	.35				.01
LINE CONSTRUCTION: Linemen - Townships of Charleston Edinburg, Freedom, Hiram, Nelson, Palmyra, Paris & Windham	12.47	.35	1%			
MARBLE SETTERS	\$10.11	.52	.25			
MARBLE SETTERS' HELPERS	9.61	.52	.25			
PAINTERS:						
South of East West Turnpike:						
Brush	8.50	.62	.30			
North of East West Turnpike:						
Brush	10.27	.48	.59			.03
Structural Steel	10.97	.48	.59			.03
PLASTERERS	10.11	.45	.50			.01
PLUMBERS & STEAMFITTERS	10.61	.79	.90			.04
ROOFERS	10.74	.57	.40			.02
ROOFERS' HELPERS:						
1st year	60AJR	.57	.40			.02
2nd year	70AJR	.57	.40			.02
3rd year	80AJR	.57	.40			.02
SHEET METAL WORKERS	10.46	.45	.60			.02
SOFT FLOOR LAYERS	10.40	.40	.70			.08
SPRINKLER FITTERS	12.05	.60	.90			.02
STONEMASONS	10.97	.57	.50			
TERRAZZO WORKERS	10.11	.52	.25			
TERRAZZO WORKERS' HELPERS	9.61	.52	.25			
TILE SETTERS	10.11	.52	.25			
TILE SETTERS' HELPERS	9.61	.52	.25			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						
PAID HOLIDAYS: (WHERE APPLICABLE) A-New Year's Day; B-Memorial Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; C-Independence Day.						
FOOTNOTES:						
a. Six paid holidays, A through F.						
b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.						

DECISION NO OH76-2089

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
GROUP A	\$10.74	.46	.80		.11	
GROUP B	10.58	.46	.80		.11	
GROUP C	10.23	.46	.80		.11	
GROUP D	9.42	.46	.80		.11	
GROUP E	9.09	.46	.80		.11	
GROUP F	7.98	.46	.80		.11	

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crane (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines,

dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoists (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip forms pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment, endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat.

GROUP C - Air compressor (pressureizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), Submersible pumps (4" and over discharge), trenchers 24" and under

GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers, (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher rollers, welder operator

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum fireman (asphalt), farm type tractors pulling attachments, finishing machines, form trenchers, high pressure pumps over 4" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling

sheeps foot roller or grader, vibratory compactors (with integral power) GROUP F - Oiler, helpers, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge)

SUPERSEDES DECISION

COUNTIES: Bee, Kleberg & Nueces

DATE: Date of Publication

STATE: Texas

DECISION NO.: TX76-4125

DATE: May 21, 1976, in 41 FR 21155

SUPERSEDES DECISION NO. TX76-4089, dated May 21, 1976, in 41 FR 21155

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

ASBESTOS WORKERS
BOILERMAKERS
BRICKLAYERS:
Bee County
Kleberg & Nueces Counties
CARPENTERS:
Carpenters
Millwrights
CEMENT MASONS
ELECTRICIANS:
Electricians
Cable splicers
GLAZIERS (excluding Kleberg Co.)
IRONWORKERS
LABORERS:
GROUP 1 - General laborer (any work not specifically defined herein)
GROUP 2 - Craft tenders: Bricklayers, plasterers, tile setters, concrete & mortar mixers, pipelayers, lathers, finish carpenters, slip form operators, scaffolding water proofers, cement finishers; Power tool operators - includes paving buster, jackhammer, chipping gun, air tamper, barrier tamper, electric vibrator, air or gas-line driven vibrator or drills, sump pumps and any and all power driven equipment operated by laborers
GROUP 3 - Pipe wrappers & dopers
GROUP 4 - Gunnite nozzlemen; Powderman or blaster
LATERS
LINE CONSTRUCTION:
Lineman
Cable splicer
Groundman (1st year)
Groundman

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 9.29	.50	.50			.02
9.00	.50	1.00			
5.50					.04
7.91	.23	.30			.03
7.09	.27	.30			1%
8.55					
7.65					1/2%
9.40	.40	1%			1/2%
9.525	.40	1%			.04
5.34	.55	.60			
6.64					
4.60	.28	.10			
4.80	.28	.10			
4.95	.28	.10			
5.05	.28	.10			.01
7.75	.39	.20	1.00		1/2%
9.40	.40	1%			1/2%
9.525	.40	1%			1/2%
4.70	.40	1%			1/2%
5.23	.40	1%			

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 7.28		.15			.02
4.87					2/10%
7.18	.25	.25			2/10%
7.58	.25	.25			.01
7.43	.25	.25			.035
9.05	.25	.25			
8.25					
5.925	.23	.20			.01
8.27	.27	.25			.03
7.09	.60	.30			.08
10.90		.90			.02
7.28		.15			
4.87					.02
5.07					
5.22					
7.28					
4.87					

MARBLE SETTERS
MARBLE SETTERS' HELPERS
PAINTERS:
Brush
Spray
Sign
PLASTERERS
PLUMBERS & STEAMFITTERS
ROOFERS:
Roofers; Kettleman; Water-proofers; Deckmen
SHEET METAL WORKERS
SOFT FLOOR LAYERS
SPRINKLER FITTERS
TERRAZZO WORKERS
TERRAZZO WORKERS' HELPERS:
Terrazzo helpers
Floor machine operators
Base machine operators
TILE SETTERS
TILE SETTERS' HELPERS
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

DECISION NO. TX76-4125

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	\$ 6.65	.18	.45		
GROUP 2	5.825	.18	.45		
GROUP 3	5.225	.18	.45		
GROUP 4	5.375	.18	.45		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Air Compressor over 125 CFM, gasoline or diesel powered; Asphalt Plant Mixer; Back Filler; Back Hoe; Batch Plant (concrete); Blade Grader; Boring Machine (foundation, horizontal or waterwell); Bull Clam; Bull Dozer; Cableway; Clamshell; Crane, power operated (all types); Crusher; Derrick, power operated (all types); Dragline; Elevating Grader; Elevator, outside the building; Euclids, and similar type machines; Forklift (on construction except in warehouses); Grade-All; Hi-Lift; Hoist (2 drums or more); Locomotive and Switch Engines; Mixer (paving); Mixer (concrete); Pile Driver; Pumps (2) over 3 inches; Pumpcrete Machine; Push Cat or Pull Cat; Roller (pneumatic, flatwheel); Scraper (all types); Shovel (power); Scoopmobile; Trench Machine, Tugboat (on construction); Turn-a-pulls and similar machines; Welding Machines (7 to 13) other than electric; Wellpoint; Winch Truck; Mechanic; Lubrication Engineer (required on grease racks and service trucks); All other equipment of similar nature coming within the Heavy Equipment Class when power operated

GROUP 2 - Air Compressor (1 or 2) 125 CFM or less, gasoline or diesel powered; Blade Grader (towed); Conveyor; Elevator, inside the building, permanent type; Fireman (required on any boiler, steam locomotive, steam crane, etc.); Flexplane; Form Grader; Generator (gas, diesel over 1500 watts); Hoist (1 drum); Mixer (less than 14 cu. ft.); Pulsometer; Pumps (1) over 3 inches; Pumps (1 or 2) 3 inches or under; Roller (towed); Tractor (wheel type); Driver-oiler (required on tractor or truck cranes on which controls of crane and those of tractor or truck are operated from different seats or stations, mobile type grade all, etc.); Wagon Drill; Welding Machines (3 to 6) other than electric; All other equipment of similar nature coming within the Light Equipment Class when power operated

GROUP 3 - Oilers, 1st year
GROUP 4 - Oilers, 2nd year

SUPERSEDES DECISION

STATE: Texas

COUNTIES: Cameron, Hidalgo, Starr
& Willacy

DATE: Date of Publication

DECISION NO.: TX76-4126

Supercedes Decision No. TX76-4035, dated February 13, 1976, in 41 FR 7023.
 DESCRIPTION OF WORK: Building Construction (excluding single family homes
 and garden type apartments up to and including 4 stories). (See current
 heavy & highway general wage determination for paving & utilities Incidental
 to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$ 9.29	.50	.50		.02
BOILERMAKERS	9.00	.50	1.00		
BRICKLAYERS	6.00				
CARPENTERS:					.025
Carpenters	5.00				
Filedrievermen	4.67				
CEMENT MASONS	3.50				
ELECTRICIANS:					
Electrical contracts under \$300,000	6.95	.40	1%		1%
Electrical contracts \$300,000 & over	8.40	.40	1%		1%
GLAZIERS	2.75				
LABORERS:					
Common laborers	2.30				
Mason tenders	2.30				
Pipelayers (concrete & clay)	2.30				
LINE CONSTRUCTION:					
Electrical contracts under \$300,000:					1 1/2%
Lineman	6.95	.40	1%		1 1/2%
Groundman	3.93	.40	1%		1 1/2%
Groundman (1st year)	3.48	.40	1%		1 1/2%
Electrical contracts \$300,000 & over:					1 1/2%
Lineman	8.40	.40	1%		1 1/2%
Groundman	4.62	.40	1%		1 1/2%
Groundman (1st year)	4.20	.40	1%		1 1/2%
PAINTERS, BRUSH	2.60				
PLASTERERS	5.00				
PLUMBERS & PIPEFITTERS	7.50	.25			.05
ROOFERS:					
Roofers	3.00				
Kettlemen	2.30				
SOFT FLOOR LAYERS	2.30				
SPRINKLER FITTERS	10.90	.60	.90		.08
TERRAZZO WORKERS	2.50				
TERRAZZO WORKERS' HELPERS	2.30				
TILE SETTERS	2.50				
TILE SETTERS' HELPERS	2.30				
TRUCK DRIVERS	2.30				
WELDERS - receive rate prescrib- ed for craft performing opera- tion to which welding is incidental.					

SUPERSEDES DECISION

STATE: Texas
 COUNTY: Wichita
 DECISION NO.: TX76-4128
 DATE: Date of Publication
 Supersedes Decision No. TX76-4051, dated February 20, 1976, in 41 FR 7924.
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

DECISION NO. TX76-4128

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$ 9.38	.325		.025
BOILERMAKERS	9.00	.50	.685	.02
BRICKLAYERS & STONEMASONS	9.39		1.00	.05
CARPENTERS:			.30	
Carpenters	8.30	.30	.40	.07
Millwrights	9.19	.30	.40	.07
CEMENT MASONS	7.85			
ELECTRICIANS:				
ZONE 1 - Worker performed within a road mile radius from the Local Union 681 business office up to 30 miles:				
Electricians	9.60	.30	1%	1/4%
Cable splicers	9.85	.30	1%	1/4%
ZONE 2 - All work performed beyond Zone 1:				
Electricians	9.95	.30	1%	1/4%
Cable splicers	10.20	.30	1%	1/4%
ELEVATOR CONSTRUCTORS	9.33	.545	.35	.02
ELEVATOR CONSTRUCTORS, HELPERS	7.07JR	.545	.35	.02
ELEVATOR CONSTRUCTORS, HELPERS (PROB.)	5.07JR			
GLAZIERS	4.97			
IRONWORKERS:				
Structural; Ornamental; Reinforcing	7.93	.55	.85	.10
Ironworkers on jobs 30 miles or more from the city of Wichita Falls				
LABORERS:				
GROUP 1 - General laborers	8.055	.55	.85	.10
GROUP 2 - Pipelayer (concrete & clay); Power buggy operator; Gunite mixer; Cement work mixer; Power tool operator; Bell hole man (piers)	4.525	.275	.20	
GROUP 3 - Mason tender; Mason mortar mixer; Plasterer tender; Hod carrier; Plasterer mortar mixer; Gunite over 1 1/2" thick; Nozzleman & machine operator	4.65	.275	.20	
GROUP 4 - Powderman, blaster	4.775	.275	.20	
	5.025	.275	.20	

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
LATHERS	\$ 7.65			.01
LINE CONSTRUCTION:				
Lineman; Lineman operator	10.96	1%		1/2%
Cable splicer	12.06	1%		1/2%
Groundman, 1st - 6 months	6.58	1%		1/2%
Groundman, 2nd - 6 months	7.12	1%		1/2%
Groundman, 1st - 1st & over	7.67	1%		1/2%
MARBLE SETTERS	8.61			
PAINTERS:				
Brush	7.50			
Spray	8.50			
Plasterers	9.07			
PLUMBERS & PIPEFITTERS:				
ZONE 1 - Within 25 miles of Wichita Falls City limits	7.05	.25		.01
ZONE 2 - Between 25 and 40 miles of Wichita Falls City limits	7.30	.25		.02
ZONE 3 - Between 40 and 70 miles of Wichita Falls City limits	7.45	.25		.02
ZONE 4 - Between 70 and 100 miles of Wichita Falls City limits	7.60	.25		.02
ZONE 5 - Over 100 miles of Wichita Falls City limits	7.75	.25		.02
ROOFERS	5.42			
SHEET METAL WORKERS	9.32			
SOFT FLOOR LAYERS	5.50			
TERRAZZO WORKERS	7.50			
TILE SETTERS	6.50			
TRUCK DRIVERS	2.30			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.				

FOOTNOTES:

a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
 b - Paid Holidays & thru F

PAID HOLIDAYS

A-New Year's Day; E-Memorial Day;
 C-Independence Day; D-Labor Day;
 E-Thanksgiving Day; F-Christmas Day

DECISION NO. TX76-4128

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocation	
GROUP 1	\$ 6.75	.30	.50		.10
GROUP 2	7.65	.30	.50		.10
GROUP 3	8.05	.30	.50		.10

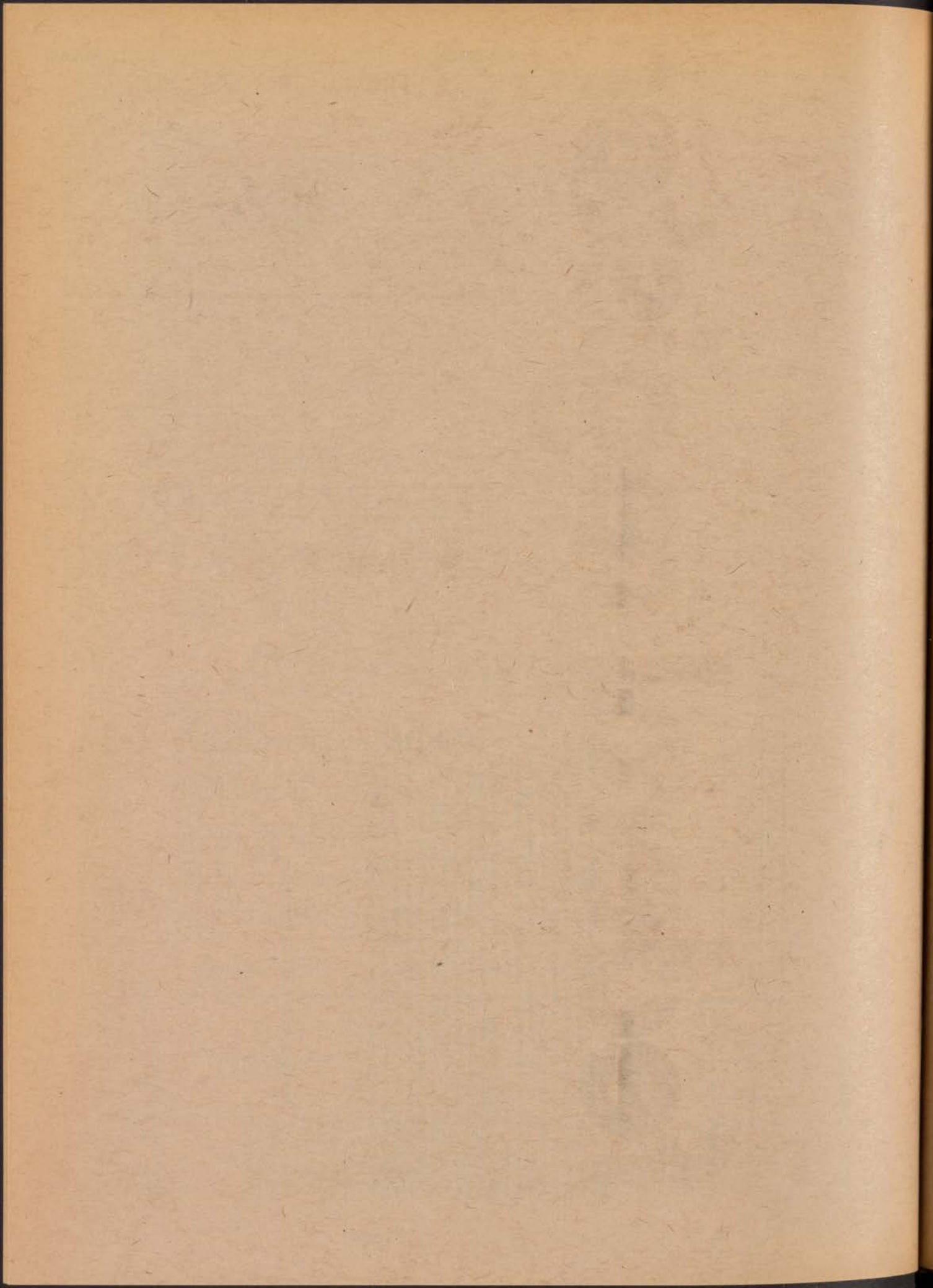
POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman

GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants (3 to 6 machines); Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except blade and mower on rear); All other equipment of similar nature coming under the Light Equipment Class, when power operated

GROUP 3 - Backhoe; Drilling Machines (all types); Scoopmobiles; Hoists, two drums or more; Fork Lifts (over 25 feet); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic feet or over; Blade Graders, self-propelled; Cableways; Cranes-power operated (100 feet of boom); Derricks, power operated (all types); Grapple; Hy-Ho; Hop-To; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractors; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressors, Pumps, Welding Machines and Light Plants (7 to 12 machines); Air compressor & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

[FR Doc. 76-21049 Filed 7-22-76; 8:45 am]



federal register

FRIDAY, JULY 23, 1976



PART VI:

FEDERAL ENERGY ADMINISTRATION



DOMESTIC CRUDE OIL ALLOCATION PROGRAM

Entitlement Notice for May 1976

FEDERAL ENERGY ADMINISTRATION

DOMESTIC CRUDE OIL ALLOCATION PROGRAM

Entitlement Notice for May 1976

In accordance with the provisions of 10 CFR § 211.67 relating to FEA's domestic crude oil allocation program, the monthly notice specified in § 211.67(i) is hereby published.

Based on reports submitted to FEA by refiners and eligible firms as to crude oil receipts, crude oil runs to stills and eligible product imports for May 1976, application of the entitlement adjustment for residual fuel oil production for sale in the East Coast market provided in § 211.67(d) (4), and application of the entitlement adjustment for small refiners provided in § 211.67(e), the national domestic crude oil supply ratio for May 1976 is calculated to be .356291.

In accordance with § 211.67(b) (2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of May 1976, each barrel of old oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to .167413 of a barrel of deemed old oil.

The issuance of entitlements for the month of May 1976 to refiners and eligible firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner and other eligible firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR § 211.67(i) (4), FEA hereby fixes the price at which entitlements shall be sold and purchased for the month of May 1976 at \$7.82, which is the exact differential as reported for the month of May between the weighted average per barrel costs to refiners of old oil and of imported crude oil, less the sum of 21 cents.

In accordance with 10 CFR § 211.67 (b), each refiner that has been issued fewer entitlements for the month of May 1976 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of May 1976 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of May 1976 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for that month and eligible firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for reporting errors for the months Septem-

ber 1975 through April 1976 pursuant to 10 CFR § 211.67(j) (1). Pursuant to an amendment to § 211.67(j) (2), corrections for reporting errors for months prior to September 1975 will be reflected in the entitlement notices for the months July 1976 through February 1977.

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by FEA pursuant to § 211.67(h).

The listing contained in the Appendix identifies in a separate column additional entitlements issued to refiners pursuant to relief granted by FEA's Office of Exceptions and Appeals. Two other firms are also shown in that column with negative entitlement issuances as a result of corrections effected for a prior month's reporting error.

For purposes of the adjustments to refiners' crude run volumes under § 211.67 (d) (4), total production of residual fuel oil for sale in the East Coast market (in excess of the first 5,000 barrels per day thereof for each refiner reporting such production) was 11,386,706 barrels for May 1976. For that month, imports of residual fuel oil eligible for entitlement issuances totaled 24,275,416 barrels.

The total number of entitlements required to be purchased and sold under this notice is 22,816,453.

Payment for entitlements required to be purchased under 10 CFR § 211.67(b)

for May 1976 must be made by July 31, 1976.

On or prior to August 10, 1976, each firm which is required to purchase or sell entitlements for the month of May 1976 shall file with FEA the monthly transaction report specified in 10 CFR § 211.66(i) certifying its purchases and sales of entitlements for the month of May. FEA has mailed the monthly transaction report forms for the month of May to reporting firms. FEA requests that firms which have been unable to locate other firms for required entitlement transactions by July 31, 1976 contact FEA at 202-254-6296 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to July 31, 1976, FEA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR § 211.67(k).

This notice is issued pursuant to Subpart G of FEA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with FEA's Office of Exceptions and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before August 23, 1976.

Issued in Washington, D.C., on July 19, 1976.

MICHAEL F. BUTLER,
General Counsel.

APPENDIX.—Entitlements for domestic crude oil

Reporting firm short name	Deemed old oil adjusted receipts	Entitlement position				
		Total issued	Exceptions and appeals	Product entitlements	Required to buy	Required to sell
A-Johnson	0	176,388	0	17,417	0	176,388
Allied	48,104	86,764	0	0	0	38,660
Amer-Petrofina	1,411,358	1,863,011	0	0	0	451,653
Amerada-Hess	1,959,784	4,959,037	0	130,904	0	2,999,250
Amoco	12,329,544	10,806,811	0	5,296	2,022,733	0
Apeco	558,225	621,014	0	0	0	62,789
Arco	6,877,909	7,468,193	0	0	0	590,284
Arizona	31,125	28,653	11,914	0	2,472	18,059
Asamera	10,584	28,673	0	0	0	1,852,435
Ashland	2,020,242	3,872,677	0	0	0	189,946
Asiatic	0	189,946	0	189,946	0	0
Augustbury	0	1-16	1-4,499	4,483	16	0
Bayou	45,332	46,079	0	0	0	1,647
Beacon	284,751	284,751	73,253	0	0	0
Belcher	0	141,329	0	141,329	0	141,329
Blue-Ridge	0	2,138	0	2,138	0	2,138
Calumet	9,206	32,100	0	0	0	22,894
Canal	52,253	65,109	0	0	0	12,856
Caribou	102,546	117,882	0	0	0	15,336
CF-Petroleum	0	256,388	0	0	0	256,388
Champlin	1,955,680	1,865,167	0	0	490,513	0
Charter	892,857	662,909	0	0	229,858	0
Citgo	4,202,240	3,058,503	0	0	1,143,737	0
Clalborne	7,330	17,215	0	0	0	9,885
Clark	434,812	1,230,907	0	0	0	796,155
Coastal	722,720	710,377	1-70,126	0	12,343	0
Colonial	0	34,614	0	34,614	0	34,614
Conoco	4,575,000	3,607,114	0	16,095	877,886	0
Coroco	0	1,775,077	0	0	0	1,775,077
CRA-Farmland	527,576	815,173	0	0	0	287,597
Cross	261,684	68,588	0	0	193,096	0
Crown	440,006	876,317	0	0	0	436,311
Crystal-Oil	191,969	216,395	0	0	0	24,426
Crystal-Ref	1,612	49,599	0	0	0	47,987
Delta	432,621	465,853	0	0	0	33,232
Diamond	724,895	622,075	0	0	102,820	0
Dorchester	4,039	16,359	0	0	0	12,320
Dow	81,956	172,941	0	0	0	90,985
E-Seaboard	0	128,187	0	128,187	0	128,187
Eddy	41,881	48,761	0	0	0	6,880
Edgington-Oil	439,092	390,598	130,813	0	48,494	0
Edgington-Oxn	5,781	11,446	0	0	0	5,665
Elm	0	24,017	0	24,017	0	24,017
Evangeline	53,402	46,850	0	0	6,552	0
Exxon	15,259,039	13,658,173	0	593,524	1,600,866	0
Famariss	261,500	432,176	0	0	0	170,676
Farmers-UN	191,670	377,556	0	0	0	185,886
Fletcher	5,012	216,436	0	0	0	211,424

See footnotes at end of table.

Reporting firm short name	Deemed old oil adjusted receipts	Entitlement position				
		Total issued	Exceptions and appeals	Product entitle- ments	Required to buy	Required to sell
Flint	11,700	11,605	0	0	95	0
Gary	37,504	127,164	0	0	0	89,660
Getty	777,412	1,040,160	0	0	0	262,748
Giant	11,467	25,929	0	0	0	14,462
Gladieux	103,512	125,061	0	0	0	21,549
Golden-Eagle	7,938	235,657	0	0	0	227,719
Good-Hope	326,108	326,108	18,442	0	0	0
Guam	0	373,268	0	0	0	373,268
Gulf	11,449,618	9,849,885	0	0	1,599,733	0
Gulf-STG	42,702	102,090	0	0	0	59,388
Hiri	0	678,903	0	0	0	678,903
Howard	0	66,200	0	66,200	0	66,200
Howell	798,495	419,825	0	0	378,670	0
Hunt	303,942	369,771	0	0	0	65,829
Husky	620,269	620,269	53,677	0	0	0
Indiana-Farm	134,499	279,815	0	0	0	145,316
Inger-Oil	4,687	4,681	0	0	6	0
Irving	0	22,429	0	22,429	0	22,429
J&W	41,408	41,408	11,605	0	0	0
Kentucky	3,284	7,873	0	0	0	4,589
Kern	340,301	335,094	57,747	0	5,207	0
Kerr-McGee	2,016,265	1,855,198	0	0	161,067	0
Koch	526,954	1,393,610	0	0	0	866,656
La Gloria	467,933	384,563	0	0	103,370	0
Lakeside	16,930	59,567	0	0	0	42,637
Laketon	84,046	52,464	0	0	31,582	0
Little-Amer	210,016	264,496	0	0	0	54,480
Louisiana-Land	145,919	405,788	0	0	0	259,869
MacMillan	85,563	230,191	0	0	0	144,628
Marathon	3,874,892	2,896,061	0	0	978,631	0
Marion	111,538	299,696	0	0	0	188,158
Mid-Amer	13,567	40,873	0	0	0	27,306
Midland	203,466	283,925	0	0	0	85,459
Mobil	9,239,004	8,564,451	0	10,830	674,553	0
Mohawk	531,015	531,015	143,494	0	0	0
Monsanto	394,319	428,656	0	0	0	32,337
Morrison	6,844	6,998	0	0	0	154
Mountaineer	4,936	5,776	0	0	0	840
Murphy	1,011,271	1,073,262	0	0	0	61,991
N-Amer-Petro	70,380	120,673	0	0	0	50,293
Natl-Coop	352,102	647,879	0	0	0	295,777
Navajo	430,517	467,309	54,361	0	0	36,792
New-England-Petro	0	466,492	0	466,492	0	466,492
Newhall	262,713	183,600	0	0	79,113	0
Northeast-Petro	0	66,403	0	66,403	0	66,403
Northland	6,745	77,309	0	0	0	70,564
Oil-Shale	2,875,305	1,611,330	0	0	1,263,975	0
OKC	386,829	386,829	53,383	0	0	0
Pasco	861,466	804,418	275,852	0	57,048	0
Patchogue	0	2,064	0	2,064	0	2,064
Pennzoil	800,696	659,310	0	0	141,386	0
Petro-Heat-Pa	0	24,033	0	24,033	0	24,033
Phillips	3,258,803	2,987,398	0	0	271,405	0
Pioneer	84,193	230,862	0	0	0	146,669
Pittston	0	94,697	0	94,697	0	94,697
Placid	337,490	493,288	0	0	0	155,798
Plateau	102,301	127,328	0	0	0	25,027
Powerline	383,452	455,226	0	0	0	71,774
Pride	155,841	391,597	0	0	0	235,756
Quaker-St	102,213	298,748	0	0	0	196,535
Road-Oil	637	3,998	0	0	0	3,361
Rock-Island	605,679	437,411	508	0	168,268	0
Saber-Tex	47,103	164,906	0	0	0	117,803
Sabre-Cal	40,733	40,733	9,243	0	0	0
Sage-Creek	2,107	4,711	0	0	0	2,604
San-Joaquin	220,706	224,568	63,533	0	0	3,862
Seminole	0	66,001	0	0	0	66,001
Shell	12,795,762	9,636,714	0	0	3,159,048	0
Sigmor	10,709	29,498	0	0	0	18,789
Skelly	1,294,825	908,147	0	0	386,678	0
So-Hampton	34,605	231,990	0	0	0	197,385
Socal	9,948,304	10,532,319	0	22,785	0	584,015
Sohio	1,725,919	4,688,755	0	0	0	2,962,836
Somerset	38,005	74,839	0	0	0	36,834
Southland	368,918	344,507	97,041	0	24,411	0
Southwestern	6,303	5,041	0	0	1,262	0
Sprague	0	74,354	0	74,354	0	74,354
Stewart	0	13,784	0	13,784	0	13,784
Sunland	193,304	193,304	64,616	0	0	0
Sunoco	6,466,605	4,917,155	0	23,657	1,549,450	0
Swann	0	42,204	0	42,204	0	42,204
Tarricone	0	14,615	0	14,615	0	14,615
Tenneco	977,206	934,193	0	0	43,013	0
Tesoro	685,528	750,471	0	0	0	64,943
Texaco	13,895,486	11,834,588	0	338,374	2,060,898	0
Texas-Asph	632	2,210	0	0	0	1,578
Texas-City	686,176	881,330	0	0	0	185,154
Thagard	120,394	120,394	46,159	0	0	0
The-Refinery	129,843	149,889	0	0	0	20,046
Thriftway	31,630	43,413	0	0	0	11,783
Thunderbird	82,501	79,878	0	0	2,623	0
Tonkawa	35,974	72,899	0	0	0	36,925
Total-Leonard	287,555	496,816	0	0	0	209,261
Union-Oil	5,943,516	3,100,740	0	10,689	2,842,776	0
Union-Texas	155,694	154,895	0	0	799	0
Untd-Ref	163,277	533,334	0	0	0	370,057
US-Oil	13,728	223,725	0	0	0	209,997
USA-Petrochem	1-129,911	98,772	0	0	0	228,683
Vickers	373,500	582,159	0	0	0	208,659
Vulcan	0	35,516	0	0	0	35,516
Warrior	40,162	40,462	0	0	0	300
Wellen	0	4,275	0	4,275	0	4,275

See footnotes at end of table.

NOTICES

Reporting firm short name	Deemed old oil adjusted receipts	Entitlement position				
		Total issued	Exceptions and appeals	Product entitlements	Required to buy	Required to sell
West-Coast.....	32,587	70,082	0	0	0	37,495
Western.....	1-46	44,558	0	0	0	44,604
Wickett.....	88,938	90,638	0	0	0	1,700
Winston.....	171,558	231,623	0	0	0	60,065
Wireback.....	323	1,130	0	0	0	807
Witco.....	160,674	248,650	0	0	0	87,976
Wyatt.....	0	8,900	0	8,900	0	8,900
Yetter.....	226	790	0	0	0	564
Young.....	78,686	78,686	30,982	0	0	0
Total.....	159,721,628	159,721,628	1,121,908	2,594,735	22,816,453	22,816,453

¹ Reflects a correction to a prior month's report.

² Does not include entitlements issued by virtue of the negative volume of old oil receipts shown.

[FR Doc.76-21234 Filed 7-19-76;4:07 pm]

federal register

FRIDAY, JULY 23, 1976



PART VII:

FEDERAL RESERVE SYSTEM

PRIVACY ACT

Systems of Records

[R-0039]

PRIVACY ACT OF 1974 ADOPTION OF SYSTEMS OF RECORDS

On September 23, 1975, the Board of Governors published in the Federal Register, a proposed notice of the existence and character of systems of records which it maintains. Interested persons were invited to comment on this notice, and no public comments have been received.

A. The following is the only substantive change made to the systems of records, aside from clarifying language changes:

Systems of records number 16, "FRB-Regulation F Ownership Reports," has been deleted in its entirety because such records are not retrievable by names of individuals, as was mistakenly indicated in the September 23, 1975 Federal Register notice of the proposed systems of records. These ownership reports, required to be filed by certain officers, directors and principal stockholders of State member banks subject to Regulation F, are retrieved by the name of the bank whose securities are the subject of the report, not by the name of the person who owns the securities and submits the report. Since the reports are not retrievable by the name of an individual or by some identifying number, symbol or other identifying particular assigned to an individual, the reports do not constitute a system of records under the Privacy Act (5 U.S.C. Sec. 552a(5)).

Accordingly, the proposed systems of records maintained by the Board is adopted as set forth below.

Board of Governors of the Federal Reserve System, May 21, 1976.

(Seal) (Signed) Theodore E. Allison

Theodore E. Allison
Secretary of the Board

BGFRS-1

System name: FRB-Recruiting and Placement Records

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Persons who have applied for employment with or are employed by the Federal Reserve Board

Categories of records in the system: These records may contain information relating to the education, training, employment history and earnings, appraisal of past performance, convictions for offenses against the law, results of tests, appraisal of potential, honors, awards of fellowships, military service, veteran status, school transcripts, work samples, birth date, social security number, shipping authorizations, travel; vouchers, offer letters and correspondence, reference checks, and home address of persons who have applied for Board employment or are employed by the Federal Reserve Board.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

- a. To refer applicants for purposes of consideration for placement in positions for which an applicant has applied and is qualified. This includes various government organizations.
- b. To refer current Board employees for consideration for reassignment and promotion within the Board.
- c. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained,

or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals under the Freedom of Information Act or to locate specific individuals for personnel research of other personnel management functions).

d. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether federal, state or local, charged with the responsibility of investigating or prosecuting such violation or with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

e. To request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

f. To provide information or disclose to a Federal Agency, or any other employer or prospective employer in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tapes, punched cards, microfilm, cards, lists, forms, and in folders.

Retrievability: Records are indexed by name, combination of birth date, social security account number, and applicable identification number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal:

- a. Files of eligibles retained for a minimum of one year after date of determination that no suitable position exists currently.
- b. Index cards. Destroyed when no longer needed.
- c. Cancelled and ineligible application. Same as "a" above.
- d. Inquiries and replies regarding availability for appointment.

System manager(s) and address:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Individuals should provide name, date of birth, social security number, identification number (if known), approximate date of record, and type of position with which concerned to the System Manager, address above.

Record access procedures: Individuals should provide name, date of birth, social security number, identification number (if known), approximate date of record, and type of position with which concerned to the System Manager, address above.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he or she supplies, except reports from medical personnel on physical qualifications and statements supplied by references.

Systems exempted from certain provisions of the act: Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS-2

System name: FRB Personnel Background Investigation Reports

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Current and former applicants for employment by the Board of Governors; Federal Reserve System employees considered for access to classified information or restricted areas; and/or security determinations as contractors, employees of contractors, experts, instructors, and consultants to the Board. Individuals who are neither applicants nor employees of the Board but are or were involved in Board programs under a cooperative assignment or similar agreement; individuals who are neither applicants nor employees of the Board but are or were involved in matters related to the operation of the Board.

Categories of records in the system: These records may contain investigative information regarding an individual's character, financial responsibility, conduct, behavior; arrests and convictions for any violations against the law; reports of interviews with former supervisors, co-workers, associates, educators, etc.; reports about the qualifications of an individual for a specific position; reports of inquiries with law enforcement agencies; former employers; educational institutions attended; and other information developed from the above.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records may be disclosed to and used as follows:

- To assist in determining the suitability for access to classified information.
- To designated officers and employees of other agencies and departments of the Federal Government, and the District of Columbia Government, having an interest in the individual for employment purposes, in connection with performance of a service to the Federal Government, under a contract or other agreement, including a security clearance or access determination, and a need to evaluate qualifications, suitability, and loyalty to the United States Government.
- To the intelligence agencies of the Department of Defense, National Security Agency, Central Intelligence Agency, and the Federal Bureau of Investigation for use in intelligence activities.
- To any source from which information is requested by the Board in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation and to identify the type of information requested.
- In the event of an indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; such referral shall also include, and be deemed to authorize any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing.
- As a data source for management information for production of descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders and index cards in set file cabinets with manipulation-proof combination lock.

Retrievability: Records are indexed by name in alphabetical order.

Safeguards: Access to and use of these records are limited to those persons whose official duties require access and who have appropriate security clearance.

Retention and disposal: The indexing cards are retained indefinitely; while the reports of investigation are returned to the originating agency after separation of employment.

System manager(s) and address:

Assistant Director for Contingency Planning
Office of Staff Director for Management

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: An individual may inquire as to whether or not the system contains a record pertaining to him or to her by addressing a written request to:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

The request should include the full name and date and place of birth of the individual, and any available information regarding the type of record involved, and the category of individual under which the inquirer feels he or she fits.

Record access procedures: In response to a written request by an individual to determine whether or not the system contains a record pertaining to him or to her, the Director will set forth the procedure for gaining access to the record. If the individual desires to contest the contents of a record, he or she may do so by writing to the:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Record source categories: Information contained in the system is obtained from the following:

- Applications and other personnel and security forms furnished by the individual.
- Investigative material furnished by other Federal agencies. Notices of personnel actions furnished by other Federal agencies.
- By personal investigation or written inquiry from sources such as:

Employers
Schools
References
Neighbors
Associates
Police Departments
Courts
Credit Bureau
Medical Records
Probation Officials
Prison Officials

- Newspapers, magazines, periodicals, and other publications.
- Published hearings of Congressional Committees.

Systems exempted from certain provisions of the act: Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS-3

System name: FRB-Medical Records

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: 1. Applicants who have been medically examined for Board employment.

- Applicants for disability retirement under the Civil Service Retirement Law or Federal Reserve System Retirement Plan.
- Current and former Federal Reserve Board employees.

Categories of records in the system: 1. Information relating to an individual's medical qualifications to hold a position with the Board.

2. Medical information relating to an individual's capability (physical and mental) to satisfactorily perform the duties of the position he or she holds or held.

3. Information relating to an employee's participation in an occupational health services program.

4. Information relating to pre-employment or periodic medical examinations to assure that the incumbent is qualified (physically and mentally) to satisfactorily perform the duties of the position.

5. Information attesting to an annuitant's state of health as required for "insurable interest" survivor annuity elections.

6. Information relating to handicaps.

7. Information relating to employee participation in the Federal Civilian Employee Alcoholism and Drug Abuse Programs.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: 1. Information in these records is used to:

- determine veteran disability status
- support applications for Disability Retirement
- support "insurable interest" survivor annuity elections
- determine suitability for employment or continued employment
- assist in medical counseling

2. Information in these records may be provided to officials of other Federal agencies responsible for Federal benefit programs administered by:

- Office of Workmen Compensation Programs
- Retired Military Pay Centers
- Veterans Administration
- Social Security Administration
- Specific private contractors engaged in providing benefits under Federal contracts
- Civil Service Commission

3. Information in these records is used:

a. to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute rule, regulation or order issued pursuant thereto.

b. to request information from a Federal, state or local agency maintaining civil, criminal or other relevant enforcement or other pertinent information, such as a license, if necessary to obtain relevant information to the Board's decision concerning the hiring or retention of an employee, the issuance of a grant or other benefit.

c. to provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

d. as a data source for management information for production of descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are in folders.

Retrievability: Records are indexed by name, social security number, identification number, date of birth and/or claim number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Records are stored in lockable metal containers.

Retention and disposal:

a. Medical certificates and other medical records of examination used to determine an employee's fitness for a job 6 years after separation.

b. Miscellaneous medical records, correspondence dispensary records and similar papers, 6 months after separation

c. Applicant's medical records, 6 years after separation

d. Disability retirement medical files, 6 years after separation

System manager(s) and address:

Director of Personnel
Board of Governors

Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Individuals requesting information about this system of records should provide their full name, date of birth, social security number, name of office or division in which currently or formerly employed, and annuity account number, if any has been assigned, to the System Manager, address above.

Record access procedures: Individuals requesting information about this system of records should provide their full name, date of birth, social security number, name of office or division in which currently or formerly employed, and annuity account number, if any has been assigned, to the System Manager, address above.

Record source categories:

- The individual to whom the record pertains.
- Personal physicians.
- Medical institutions.
- Official records of other Federal agencies.
- Federal Reserve Board Official Personnel Records.
- Federal Reserve System Personnel Management Records Systems.

Systems exempted from certain provisions of the act: None; however, see special procedures provided at 12 CFR 261a.6.

BGFRS-4

System name: FRB-General Personnel Records

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Current and former employees of and consultants to the Federal Reserve Board and the surviving spouses, and children of former Board employees, if any.

Categories of records in the system: This system of records consists of a variety of documents relating to personnel actions of the Board and its determinations made about an individual for, and during the course of, his employment by the Board. These records may contain information about employees and former employees relating to employment, placement, personnel actions, performance considerations and evaluations; training and development activities and plans, background investigations; reference checks; salary history and other personnel matters. It also includes minority group designator; records relating to benefits and designation of beneficiary; emergency contact, documentation supporting personnel actions or decision made about an individual; awards; employee parking and other information relating to the status of the individual either while considered for employment or while employed by the Board.

Authority for maintenance of the system: Sections 10 and 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used:

a. For purposes of review in connection with appointments, transfers, promotions, reassignments, training and development needs, adverse actions, disciplinary actions, and determination of qualifications of an individual, and in assisting the individual in locating other employment.

b. For purposes of making a decision when a Board employee or former Board employee is questioning the validity of a specific document in the individual's record.

c. By the courts to render a decision.

d. To provide information to a prospective employer of a current or former Board employee.

e. To provide data for the automated Personnel records.

f. To provide information to a Federal agency, or any other employer or prospective employer, in response to its request in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

g. To request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information or other pertinent information to a Board decision concerning the hiring or retention of an employee, the issuance of a

security clearance, the letting of a contract, or the issuance of a grant or other benefit.

h. To refer, where there is an indication of a violation or potential violation of law whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

i. As a data source of management information for production of statistical and analytical studies and reports in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

j. Determine eligibility for coverage, benefits due, and payment of benefits under the various benefits programs available to the Board and its staff.

k. Transfer information necessary to support a claim for benefits under the various benefit programs in operation at the Federal Reserve Board.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, disk, punched cards, index cards and microfilm.

Retrievability: Records are indexed by any combination of name, date of birth, social security number, or identification number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require it.

Retention and disposal: The General Personnel Record is retained until five years after death or an individual achieves age 75 where he or she does not separate employment by retirement.

System manager(s) and address: For current and former Federal Reserve Board employees:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Inquiries, including name, date of birth, and social security number should be addressed to the System Manager, address above.

Record access procedures: Current and former Federal Reserve Board employees who wish to gain access to or contest their records should contact the System Manager, address above. Former Board employees should direct such a request in writing, including their name, date of birth, and social security number.

Record source categories: Information in this system of records comes from the individual to whom it applies or is derived from the information the individual supplied, except information provided by Board officials. Information is also obtained from the following sources for administration of the benefits portion of the system:

1. CSC Personnel Management Records System
2. Personnel records of other Government agencies
3. Personnel records of Federal Reserve Banks

Systems exempted from certain provisions of the act: Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS-5

System name: FRB-EEO Discrimination Complaint File

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Applicants for Board employment, current and former Board employees, and an-

nuitants who file a complaint of discrimination or appeal a determination made by an official of the Board relating to equal employment opportunities.

Categories of records in the system: This system of records contains information or documents relating to a complaint, the decision or determination made by the Board affecting an individual under the Board's EEO regulations and procedures. The records consist of the initial complaint or appeal letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statement, testimonies of witnesses, investigative reports, instructions to the Board and/or individual about action to be taken to comply with decisions, and related correspondence, opinions and recommendations.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in the records may be used:

a. To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance.

b. To provide information to the public on the decision of an appeal, complaint, or grievance required by the Freedom of Information Act.

c. To respond to a Court subpoena and/or to refer to a District court in connection with a civil suit.

d. To adjudicate an appeal, complaint, or grievance.

e. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

f. To refer, where there is an indication of a violation or potential violation of law, whether civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

g. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders, binders, and index cards.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: The records are maintained indefinitely.

System manager(s) and address:

Director of Personnel
Board of Governors
Federal Reserve System,
20th and Constitution, N.W.
Washington, D.C. 20551

Individuals who have filed appeals or grievances are aware of that fact and have been provided a copy of the records. They may, however, contact the System Manager, address above. Individuals should provide their name, date of birth, and the approximate date of employment or application, and the kind of action taken by the Board when making inquiries about records.

Record access procedures: Individuals who have appealed or filed a grievance about a decision or determination made by the Board or about conditions existing in the Board already have been provided a copy of the records. However, to gain access to or contest the records in this system, individuals should contact the System

Manager, address above. Individuals should provide their name, date of birth, approximate date of employment or application, and the kind of action taken by the Board when requesting access to, or contest of records.

Record source categories:

- a. Individual to whom the record pertains
- b. Board employees
- c. Affidavits or statements from employee
- d. Testimonies of witnesses
- e. Official document relating to the appeal, grievance, or complaints
- f. Correspondence from specific organization or persons

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(2) of the Privacy Act and the Board's regulations relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled for law enforcement purposes.

BGFRS-6

System name: FRB-Adverse Information and Action, Disciplinary, Outside Business Activity and Financial Responsibility Records.

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Current and former Board employees (including special employees) and annuitants who are involved in an Adverse Action; Board officials providing annual financial responsibility statements; employees who suffer a withholding of a Progress Step Increase; employees who file an Outside Business Activity application; and those employees who have creditors contacting the Board relative to credit problems.

Categories of records in the system: This system of records may contain information or documents relating to a determination made by the Board affecting an individual. The records consist of the letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimonies of witnesses, investigative reports, and related correspondence, opinions and recommendations. Also, copies of Financial Responsibility Statements and Outside Business Interest applications filed by the employee; and letters from creditors.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in the records may be used:

- a. To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance.
- b. To provide information to the public on the decision of an appeal, complaint, or grievance required by the Freedom of Information Act.
- c. To respond to a court subpoena and/or to refer to a District court in connection with a civil suit.
- d. To adjudicate an appeal, complaint, or grievance.
- e. As a data source for management information for production of descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel management functions.
- f. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.
- g. To request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to a Board decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a grant, or other benefit.

h. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

i. To identify or determine conflict of interest situations or potential conflict of interest.

j. To advise an employee of potential problems.

k. To administer various aspects of established personnel management programs.

Storage: These records are maintained in file folders, binders, index cards, magnetic tape and disk.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: The records are maintained indefinitely after cessation of employment unless deemed unnecessary, and thus destroyed.

System manager(s) and address:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551
Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Individuals should provide name, date of birth, social security number, identification number (if known), approximate date of record, and type of situation with which concerned to the System Manager, address above.

Record access procedures: Individuals should provide name, date of birth, social security number, identification number (if known), approximate date of record, and type of situation with which concerned to the System Manager, address above.

Record source categories:

- a. Individual to whom the record pertains
- b. Board officials
- c. Affidavits or statements from employees
- d. Testimonies of witnesses
- e. Official documents relating to an action, appeal, grievance, or complaint
- f. Correspondence from specific organizations or persons

Systems exempted from certain provisions of the act: None

BGFRS-7

System name: FRB-Payroll

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Past and present employees and members of the Board.

Categories of records in the system: Varied payroll records including payment vouchers, comprehensive listing of employees, requests for deductions, tax forms, W-2 forms, overtime requests, leave data, workmen's compensation data.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in the preparation of Board payroll, as input to several management reports and from time to time, input to other contributing programs and as input to Board studies, analyses, and reports.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On tape, disk, punched cards, index cards, folders and document files.

Retrievability: Filed by name, social security number, and employee number.

Safeguards: Access is restricted to authorized personnel only. Records are stored in cabinets and a safe. Access to computer records is by "limited access" employees.

Retention and disposal: Various; minimum of one year from date of annual audit; maximum of indefinite.

System manager(s) and address:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Current and former employees who wish to gain access or contest their records should contact System Manager, address above. Individuals should provide name, date of birth, social security number, and identification number (if known).

Record access procedures: Current and former employees who wish to gain access or contest their records should contact System Manager, address above. Individuals should provide name, date of birth, social security number, and identification number (if known).

Record source categories: Internal personnel forms, Federal, state, and local tax forms, employee authorizations and directive forms, insurance forms, leave and overtime reports, Federal and state garnishment forms.

Systems exempted from certain provisions of the act: None.

BGFRS-8

System name: FRB-Leave Records

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Present employees, former employees for a period of three years following their separation from the Board.

Categories of records in the system: Contains timekeeper records, leave cards, payroll notifications, supporting memorandum, periodic leave statements, and creditable service documentation.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as a data source for management information and payment of leave, for production of statistics and analytical studies in support of the function for which records are collected and maintained or for related personnel management functions and manpower studies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Punched card, tape, disk, index card, folder, and print out.

Retrievability: Filed by date, but may be filed by name or identifying number.

Safeguards: Stored in locked metal file cabinets, other records stored in secured limited access computer facilities.

Retention and disposal: Detailed information destroyed after two years. Summary data is a part of permanent official personnel file.

System manager(s) and address:

Division of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the System Manager above. Former Board employees should direct such a request in writing, including their name, date of birth, and social security number.

Record access procedures: Individuals wishing to gain access or contest their records should contact the System Manager, address above. Former Board employees should direct such a request in writing, including their name, date of birth, and social security number.

Record source categories: Records, files and forms of the Board, information provided by the employee and previous Federal Government employers.

Systems exempted from certain provisions of the act: None.

BGFRS-9

System name: FRB-Consultant File

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Individuals providing consulting services to the Board in accordance with a formal agreement.

Categories of records in the system: Documents, letters, memorandum of understanding relating to agreement, rates of pay, payment records, vouchers, invoices, and selection; negotiation, implementation, scope and performance of work. Additional information may be found on reemployed annuitants in the FRB-General Personnel Records.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses include, but are not restricted to, selection, monitoring, evaluation and control, audit and analysis, routine management activity, and statistical use without individual identification; verification and confirmation; and referral when used as a basis for prospective employment by other than the Board; to provide information or disclose to a Federal agency, or any other employer or prospective employer, in response to its request, in connection with the hiring or retention of an employee, and letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Folder, punched card, tape, disk and index card.

Retrievability: File by name, and cross index by voucher number and date, or identifying number.

Safeguards: Stored in secured area.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Individuals who have filed appeals or grievances are aware of that fact and have been provided a copy of the records. They may, however, contact the System Manager, address above. Individuals should provide their name, date of birth, and the approximate date of employment or application, and the kind of action taken by the Board when making inquiries about records.

Record access procedures: Individuals who have appealed or filed a grievance about a decision or determination made by the Board or about conditions existing in the Board already have been provided a copy of the records. However, to gain access to or contest the records in this system, individuals should contact the System Manager, address above. Individuals should provide their name, date of birth, approximate date of employment or application, and the kind of action taken by the Board when requesting access to, or contest of records.

Record source categories: Information in this system of records is obtained from the individual to whom it applies or is derived from information supplied by the individual, except information provided by Board staff, and for reemployed annuitants where the inactive General Personnel File is activated.

Systems exempted from certain provisions of the act: Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent

investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS-10

System name: FRB-General File on Board Members

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Past and present members of the Board of Governors.

Categories of records in the system: Biographies of past and present members of the Board, oaths of office, and miscellaneous correspondence relating to such Governors.

Authority for maintenance of the system: Section 10 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used for background information to determine qualifications for appointment and reappointments, for compiling information for news releases and other publications, and for recording correspondence concerning the Governors.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name.

Safeguards: Locked in diebold power file. Access limited to Board staff on a restricted basis.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Same as System Manager, address above.

Record access procedures: Same as System Manager, address above.

Record source categories: Generated by individuals, incoming correspondence and staff response thereto.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulations relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS-11

System name: FRB-Official General Files

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Correspondents with the Board and System Personnel.

Categories of records in the system: Incoming and outgoing correspondence concerning Board business. Records relating to System Personnel in official capacities such as instructors, consultants, and Board representatives to various committees, conferences, etc.

Authority for maintenance of the system: Sections 10 and 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used for reference purposes in preparing responses to inquiries from the public and used in recording official duties of System Personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name.

Safeguards: Locked in diebold power file. Access limited to Board staff on a restricted basis.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: System Manager, address above.

Record access procedures: System Manager, address above.

Record source categories: Generated by individuals, incoming correspondence and staff response thereto.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulations relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS-12 2

FRB-Biographical File of Federal Reserve Personnel

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Current and former Federal Reserve System officers, and their staff.

Categories of records in the system: This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed in the Federal Reserve System. These records contain information about an individual relating to birth date; education; veteran status; tenure; handicap; past and present salaries, grades, and position titles; personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer, and separation; photograph, awards; and other information relating to the status of the individual.

Authority for maintenance of the system: Sections 4, and 22 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

a. By Federal Reserve System officials for purposes of review in connection with appointments, transfers, promotions, reassignments, adverse actions, disciplinary actions, and determination of qualifications of an individual.

b. By the Board of Governors for purposes of making a decision when a listed employee or former listed employee is questioning the validity of a specific document in the individual's record.

c. By the courts to render a decision when the Board has refused to release to a current or former System employee a record under the Freedom of Information Act.

d. To publish name and title data for the Directory of officers of Federal Reserve Banks.

e. To provide reports to Congress, agencies, and the public on characteristics of the System work force.

f. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

g. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, punched cards and disk.

Retrievability: Records are indexed by combination of name or identification number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Retained indefinitely.

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Inquiries, including name, date of birth, and social security numbers should be addressed to the System Manager, address above.

Record access procedures: Current and former System employees who wish to gain access to and contest their records, should direct such a request in writing, including their name, date of birth, and social security number to the System Manager, address above.

Record source categories: Information in this system of records comes from either the individual to whom it applies, extracted from documents he supplied, or data provided by Federal Reserve System officials and employees.

Systems exempted from certain provisions of the act: None.

BGFR-13

System name: FRB-General File of Examiners and Assistant Examiners at Federal Reserve Banks.

System location:
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Past and present examiners and assistant examiners at Federal Reserve Banks.

Categories of records in the system: Brief biographies of past and present examiners and assistant examiners, oaths of office, and miscellaneous correspondence.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as background information for determining qualifications for appointment, reappointment, etc.; for compiling information for news releases and other publications, and recording correspondence concerning such persons.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name.

Safeguards: Locked in diebold power file. Access limited to Board staff on a restricted basis.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: System Manager, as indicated above.

Record access procedures: Same as "notification" above.

Record source categories: Individuals themselves, references such as "Who's Who" and miscellaneous correspondence from system personnel and others.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulations relating thereto, certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal

the identity of a source who furnished information under a promise of confidentiality.

BGFRS-14

System name: FRB-General File of Federal Reserve Bank and Branch Directors

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Past and present Federal Reserve Bank and Branch Directors.

Categories of records in the system: Biographies of past and present Federal Reserve Bank and Branch Directors, oaths of office, resignations, and miscellaneous correspondence.

Authority for maintenance of the system: Sections 3, 4 and 1 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as background information for determining qualifications for appointment, reappointment, etc.; for compiling information for news releases and other publications, and recording correspondence concerning such persons.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name.

Safeguards: Locked in diebold power file. Access limited to Board staff on a restricted basis.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Same as System Manager, address above.

Record access procedures: Same as System Manager, address above.

Record source categories: Generated by individuals, incoming correspondence and staff response thereto.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulations relating thereto, certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS-15

System name: FRB-General Files of Federal Reserve Agents, Alternates and Representatives at Federal Reserve Banks.

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Past and present Federal Reserve Agents, Alternates and Representatives at Federal Reserve Banks.

Categories of records in the system: Biographies of past and present examiners, oath of office and miscellaneous correspondence relating to such persons.

Authority for maintenance of the system: Sections 20 and 21 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as background information for determining qualifications for appointment, reappointment, etc.; for completing information for news releases and other correspondence; and recording correspondence concerning such persons.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name.

Safeguards: Locked in diebold power file. Access limited to Board staff on a restricted basis.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Same as System Manager, address above.

Record access procedures: Same as System Manager, address above.

Record source categories: Generated by individual's incoming correspondence and staff response thereto.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulations relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS-16

System name: FRB-Regulation G Reports

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Individuals other than banks, brokers and dealers who extend credit in specified amounts secure by margin securities.

Categories of records in the system: Reports filed by persons registered pursuant to Regulation G.

Authority for maintenance of the system: Sections 7, 17, and 23 of the Securities Exchange Act of 1934 and Regulation G (12 CFR

207).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Aid the Federal Reserve System in securing compliance with Regulation G, assist registrants regarding interpretation, and where this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper forms and files.

Retrievability: Indexed by name.

Safeguards: Retained in locked metal file cabinets. Access to Board staff on restricted basis.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Director, Office of Saver and Consumer Affairs
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure:

Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Record access procedures: Same as System Manager, address above.

Record source categories: Reports and forms filed by individuals to whom records pertain.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(2) of the Privacy Act and the Board's regulations relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled for law enforcement purposes.